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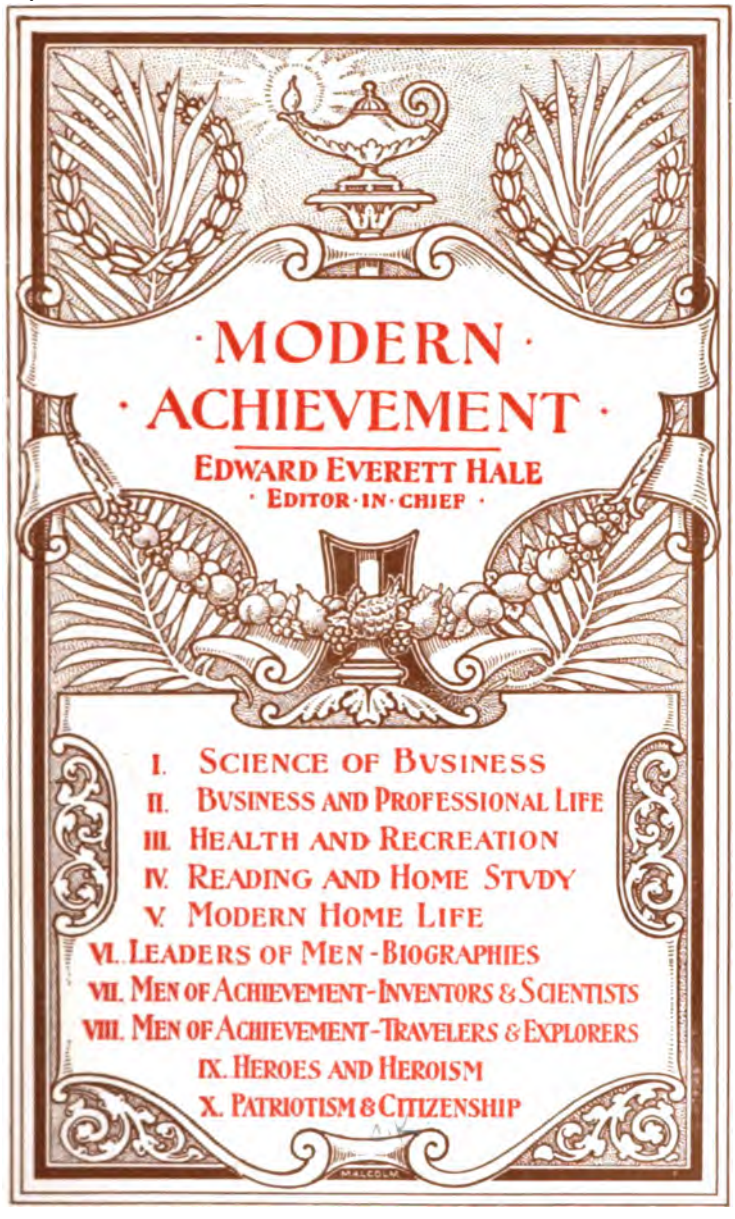
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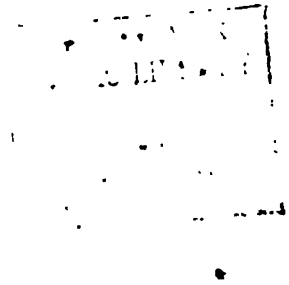

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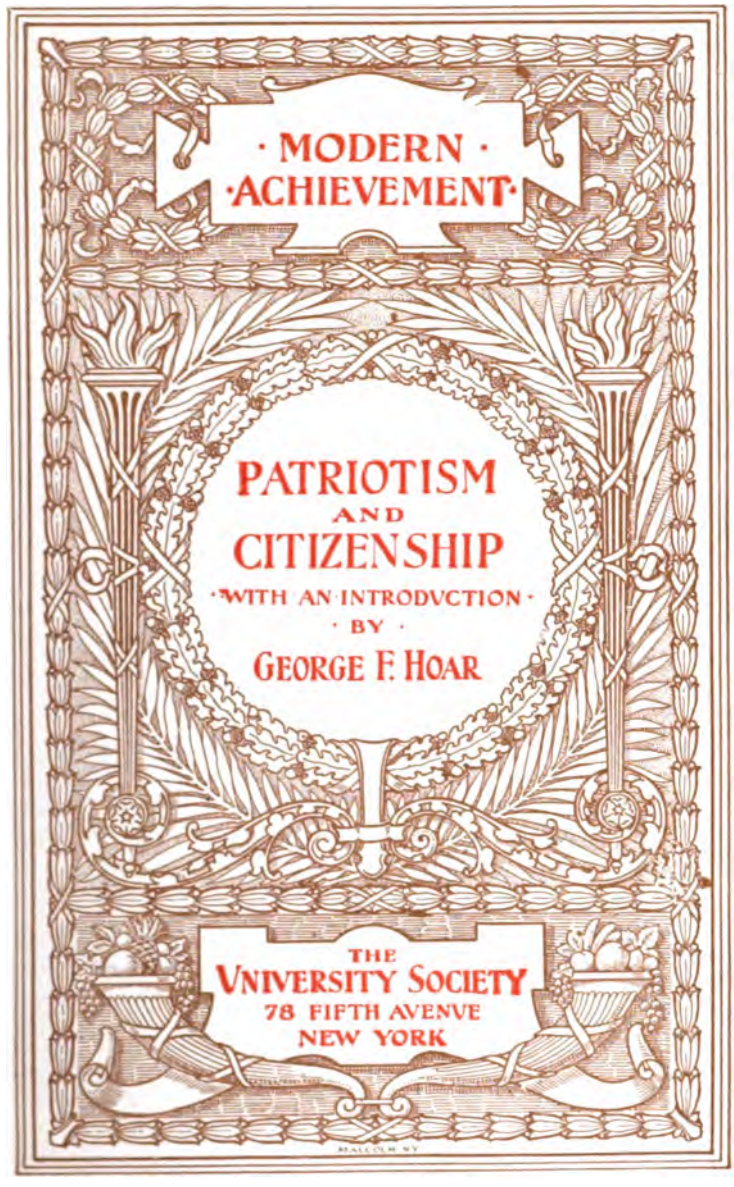
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# INTRODUCTION

## PATRIOTISM AND CITIZENSHIP

THESE words, so full of inspiration, have a meaning in a Republic which they have nowhere else. They appeal to the loftiest emotions of which humanity is capable—love, gratitude, and the sense of duty. The love of country is the highest and purest affection of the soul. Stronger than institutions, stronger than constitutions, it is the master passion of the loftiest natures. At its bidding young men and old men give their lives, mothers their sons, wives their husbands, and maidens their lovers. The man who is without it, or thinks himself above it, is a poor and useless creature. Whatever dreamers may affirm, whenever it is lacking the man is weakened and spoiled and becomes useless to his own country and to mankind. It is like the law of gravitation to the universe. It is above and around and beneath everything we value most.

On great and trying occasions, when the country is in peril, of its honor is at stake, the love of country and the sense of civic duty possess alike the lofty and the base nature, the unselfish and the selfish spirit. Men who are reckless, criminal, cheap in ordinary life, on such occasions rise to the highest level of virtue and patriotism and devotion. President Roosevelt had some queer experiences when he undertook to recognize by civic appointments the valor of some of his bravest comrades among his Rough Riders in Cuba, and found to his astonishment that part of their lives had been spent in gambling houses or in penitentiaries. Tennyson recognizes the same thing when he pictures the English people rising as one man to repel the invader:

"For I trust if an enemy's fleet came yonder around by the hill,
And the rushing battle-bolt sang from the three-decker out of the foam,

That the smooth-faced, snub-nosed rogue would leap from his counter and till,
And strike, if he could, were it but with his cheating yard-wand, home."

I have only to deal now with the duty of citizens in a self-governing state. Loyalty to a king or an emperor is doubtless a noble virtue. In its highest manifestation it is in substance the same as devotion to the flag in a Republic. The living queen or prince is but a symbol, as the flag is but a symbol. I do not agree with many excellent men who think that if Americans express their good-will toward the people of friendly countries by congratulating them upon, or even taking part in, the inauguration of a monarch, or expressing sympathy or sorrow when a sovereign dies, beloved of his people, they are departing from a true Republicanism and bowing the knee before kingly power. Other countries have a right to choose their own forms of government as we have claimed the right for ourselves. The King of England, or of Italy, or the German Emperor, is to the Englishman, or the Italian, or the German, but the symbol of his country, as the flag is the symbol of ours. Surely we are but promoting the great blessing of peace on earth and the great virtue of good-will to men, when we pay our respect and express our good-will to the living man who is but the symbol and representative of a great people, as we pay respect at home to the beautiful flag which is the symbol of the Republic to us.

I think, as Plato thought in his wonderful conception of the Republic, that the citizen should be ready to live for and to die for his country. There are men who think that the love of mankind is a larger and higher virtue than the love of country. I never knew of such a man, whose life was not worth less to mankind and worse than useless to his country. Even the Divine Pattern of all humanity never manifested His divine humanity more truly and was never more deeply moved by the tenderest human love than when He uttered the exclamation, so pathetic and so noble, "O Jerusalem, Jerusalem, how often would I have gathered thy children together, even as a hen gatnereth her chickens under her wings, and ye would not!"

This love of country does not compel the good citizen to submit his own conscience to the unrighteous demands of popular sentiment, to the

"*civium ardor prava jubentium—*"

or even to an unrighteous law. There was never a viler application of a good maxim, than the interpretation which many men put on the maxim, "Our Country, right or wrong." The true interpretation of that maxim, as has been well said, is "Our Country; if right to be kept right; if wrong to be set right."

The question whether the citizen must obey an unrighteous law is one sometimes very difficult of solution. If I were to debate it at length it would take more space than I can occupy now. If every citizen disobeys every law he does not like, especially if every citizen undertakes to resist by force every law he does not like, the result will be anarchy; and probably that resistance will manifest itself, as it has done so often, through the murdering weapon of the assassin. Perhaps this rule, of which I suppose Roger Sherman was the author, will serve in general as a safe guide. The citizen should obey a law even if it be not approved by his own conscience if the subject-matter be one in regard to which there must be some law, if there is to be an organized, civilized, orderly State. In other words, if it be necessary to the existence of society that there be some general rule to govern a particular case, the question of whether that general rule be righteous or unrighteous must necessarily be determined by the supreme authority in the State; and if that authority be finally lodged in the majority of the people the will of the majority must prevail, until it can be converted to the true opinion. Many readers will think I have set a low standard of public conduct. As I have said, there is no room to defend it here. Undoubtedly men must obey the dictates of the individual conscience, or what to them is the same thing, the law of God, in contradistinction to the dictates of human law. Yet we are now seeking to know what is the true dictate of the individual conscience, or the true command of the law of God in a given case. It is to be remembered that the human

judgment is an imperfect instrument for the discovery of truth. Our intellectual vision is blurred and distorted. The best men, and the clearest sighted, are affected fearfully with intellectual blindness and astigmatism. The experience of men from the beginning tells us that there are no matters about which men are more likely to be mistaken than those which seem to them the clearest principles of morals and duty. In adopting the rule just stated, we are determining not whether the citizen will obey the dictates of his own conscience, but whether in a given case he will presume that the collective judgment of the State is more likely to be right than his own, and therefore that his conscience should require him to obey that. In my own experience I have often found that counsel that seems to me wicked and foolish has come from men whom I cannot help believing are among the wisest and best men I have ever known.

It is then the duty of a good citizen to live for the Republic; and he must be ready to give life, and health, his wealth and comfort, his home, his wife and his child, for his country.

The first element of patriotism and citizenship is personal character. I believe that the quality of that moral being we call the Republic is higher and better than the average quality of the individual citizen. France is something better than the individual Frenchman. Switzerland is something better than the individual Swiss. America is something far higher and nobler than the individual American. Yet the national will and desire are the result of the blending and fusing of the will and desires of millions upon millions of individual souls. In that mighty alchemy, the mean elements, the impure flux and dross, are eliminated and the pure gold or crystal remains. Yet personal quality and character largely affect and control the national quality and character. So the first great service the individual American can render to his country is the service of an honest, clean, industrious, and successful private life.

If this quality be given to our citizenship all our conflicts of race, and color, and nationality, and section will, I am sure, disappear. The Englishman and the Scotsman, the Scandina-

vian and the Swiss take their places instantly in our social and political life. There is no prejudice against them. No man denies them their full right of citizenship, or in society. It is because the men of those races in general bring with them the simple virtues which should belong to Republican citizenship, veracity, temperance, industry, sobriety and self-respect. The Celt is unsurpassed, I am not sure but unequaled, in some of the loftiest qualities of citizenship. From the earliest periods which history records he has impressed and dominated the nations with which he has mingled, with his great qualities. He is a splendid soldier, faithful in domestic life, affectionate, generous and enterprising. When he came, over sixty years ago, he came in many instances from a condition in which he had suffered centuries of oppression. So the virtues of temperance and sobriety he learned a little later. He in that particular only repeated the experience of our own ancestors. But he has acquired, and is acquiring, them with marvelous rapidity. The prejudice against the Irishman which existed half a century ago is fast disappearing, as we come to know his moral quality and his rapid growth in civic virtue.

The negro with more difficulty and delay is, in my judgment, to have a like experience. No class or race possessing these virtues will fail in a Republic to receive the full consideration to which it is entitled.

But something more is needed in the vast and delicate mechanism of a self-governing state than a faultless private life. The good citizen must be educated to understand the difficult questions of Government. He must know what policy is wisest and best, and he must do his share to cause that policy to take effect in the action of the Commonwealth. The state, as I have said, is a moral and sentient being. Its conduct must be righteous and wise and brave. The good citizen must lay aside every thought of private advantage, and devote himself, and all that he has, life, property, and the best service of intellect and soul to its welfare. So far in our history there has been little need of spur, or stimulant, to obtain the devoted service of the citizen in war. When the country has been in peril in time of war the American youth has been ever ready,

is, and ever will be ready, to respond to the call, even if the extremest sacrifice demanded.

> When duty whispers low, "Thou must."
> The youth replies, "I can."

In time of peace the duty is not so well done. Many men disdain to take a share in political affairs. They do not like the equality to which they must submit. Others take part in them only to promote their own ambitions, others even for purposes of money-making, or personal gain. But in general I believe the purposes of the American people are lofty and patriotic.

It is clear that the larger and more general the interest in public affairs, the purer and more patriotic purpose will be the more likely to prevail. Corruption and self-seeking, in the nature of the case, must be limited in their operation. No wealth can bribe, and no personal ambition or corrupt desire can control, the political action of a people of eighty millions where suffrage is universal.

So the two things that are necessary are, first, that the whole people shall be instructed, and second, that the whole people shall be inspired to take their full share in the conduct of the state. To accomplish the first of these every man must have some leisure and opportunity to inform himself in political matters. Where brain or body is worn out by constant drudgery, occupying all the working hours of the day, the knowledge and intelligence needed for the conduct of the state become impossible. This consideration has always furnished, to my mind, the chief argument for tariff legislation and for legislation regulating hours of labor. The American workman is to govern the state. To govern the state he must have leisure and his mental faculties not exhausted by drudgery. So he must have wages sufficient to educate his children, and to give him the decencies and comforts of life essential to self-respecting citizenship, and reasonable leisure when his day's work is done. Without these, he will, if he retains his vote, be sure so to govern the state that all its other members will suffer.

The good citizen, having contributed to his own country in

his own person, an honest, industrious, frugal, unselfish, public-spirited character, must then take his share in the conduct of the state. This in general he can do only through the instrumentality of a party. A party is but an association of men who, agreeing in general as to what is best for the Republic, desire to secure it by combined effort, and, in order to commit the administration of the Republic to the men who on the whole they think best fitted to secure it for those purposes which can be accomplished only by acting in concert, they must act in concert.

I am satisfied, on as thorough study of history and of this particular question as I have been able to make, that the best things which have been secured for liberty, good government, and the welfare of mankind, have been secured in free states by party government. The freer and nearer a pure Republic the state, the more necessary the organization of party. No man who ever left one of the great parties of this country or of any other, to become what is called Independent, ever accomplished anything considerable in the way of usefulness to his country after he did it. I may be mistaken in this opinion. But I think I can abundantly maintain it by historic examples. I do not think I have been led to it by a blind attachment to party. It is an opinion formed on the most careful reflection with my eyes wide open, and with the aid of such intellectual vision as God has given me.

The good citizen, having determined with what party he will act at any particular time, must consult with his party associates, and must be present at the meetings when its policies are determined, and its candidates are chosen. If he neglects that duty by reason of fastidiousness, or indolence, or false pride, he can have very little usefulness. Attendance upon the caucus is, in general, as important as voting at the polls. Then comes the question what the good citizen shall do in the way of holding political office. He ought never to urge his own desires upon other men, still less make claims or demands for office upon his fellow-citizens. He is the worst judge in the world of the question whether he is fit for office, or whether it will be better for the public interest that he, or that some other

man, shall be selected. But if his fellow-citizens need his aid in any field of public service it must only be the superior demand and claim of his family, or those dependent upon him for support, which will justify him in disobeying the call.

The consideration just stated should be of equal weight with the man who inclines to refuse public office from modesty, or from indolence, or from fear of receiving blows which men in political life must take, or of being suspected by his neighbors of low personal ambitions. If any good man be inclined to disobey a call to public service because of his belief that he is not fit for it, let him remember, as I have just said, that his opinion on that question is of small value. If he accepts a public office, of two things at least he is sure; first, the office will be honestly and cleanly administered by an incumbent who desires to do his best for the people's service and whose objects are public and not personal; next, if the office be political, the measures which he thinks best for the public service are those which will be adopted so far as one official can control the matter, and he will secure the public against any attempt to accomplish in that office what he thinks hurtful.

There is surely nothing more exasperating to men who have taken and given the hard blows of political strife, who have turned their backs on the attractions of wealth, or quiet, or the comforts of home and family, to spend their lives in the service of the Republic, with no reward but the having served her, than to hear the prattle of those who live and grow rich and fat in a commonwealth, founded and builded by the toil of other men, receiving benefits from their race and rendering none, when they talk of their disdain for the roughness, and coarseness, and baseness of politics. Shakespeare has photographed so that all time shall see it the little soul of the citizen who disdains politics:

> "But I remember, when the fight was done,
> When I was dry with rage and extreme toil,
> Breathless and faint, leaning upon my sword,
> Came there a certain lord, neat, and trimly dress'd,
> Fresh as a bridegroom; and his chin new reap'd
> Show'd like a stubble-land at harvest-home;

**He was perfumed like a milliner;**
**. . . and still he smiled and talk'd,**
**And as the soldiers bore dead bodies by,**
**He call'd them untaught knaves, unmannerly,**
**To bring a slovenly unhandsome corse**
**Betwixt the wind and his nobility.**
**. . . for he made me mad**
**To see him shine so brisk, and smell so sweet,**
**And talk so like a waiting-gentlewoman**
**Of guns and drums and wounds—God save the mark!—**
**And telling me the sovereign'st thing on earth**
**Was parmaceti for an inward bruise;**
**And that it was great pity, so it was,**
**This villanous saltpeter should be digg'd**
**Out of the bowels of the harmless earth,**
**Which many a good tall fellow had destroy'd**
**So cowardly; and but for these vile guns,**
**He would himself have been a soldier."**

There is to me no more odious human character, than the man who flinches from the duties of citizenship in a Republic, from the fastidious and disdainful spirit which scorns civic duties, or flinches from their rough contests and struggles. "That fugitive and cloistered virtue, unexercised and unbreathed" as Milton calls it, is the most pernicious vice.

The good citizen should cultivate the old Christian virtue of zeal. He may trust in general his righteous enthusiasms as safe guides. He should love his country with a passionate love and pursue the ends that he believes to be his Country's, his God's, and Truth's with all earnestness and manly fervor. Let him never refrain from indulging and expressing a righteous indignation against tyranny, or injustice, or meanness, or corruption, in public places. But with all this, let him learn to judge kindly of men who differ from him. Let him remember that while God has given him his own conscience as the light which he is to follow, yet other men must follow the light that is given them. He must remember through what a blurred and imperfect intellectual glass the best and wisest man sees the duties of life, and especially those which relate to the conduct of political affairs.

It is interesting to watch the growth of many of our most honored statesmen, and to see how their horizon expanded as they grew old. In general they have been men of a generous ambition and an honorable desire to deserve well of the Republic, not without the love of power and fame—

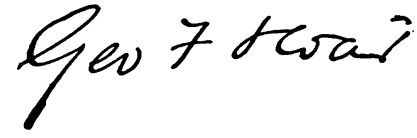
> "The spur that the clear spirit doth raise,
> That last infirmity of noble minds,
> To scorn delights, and live laborious days."

The youth begins by espousing some special measure, or taking a side of some living question, quite often a question of no large importance, perhaps interesting but a few persons. He makes a good speech, or rallies the men who agree with him to some caucus or convention. He attracts attention as a young man of spirit and promise, likely to be useful to the political party to which he belongs. He is sought as a public speaker, or is placed on a committee. He becomes conspicuous as a leader, and is counted among the men who are responsible for the guidance of his party. Then, if he becomes known and has made friends, he is elected to office and has a share in conducting the affairs of the state or the country. He carefully studies public sentiment as it is concerned with the questions that press for immediate settlement. He looks out for carrying elections as is right and fit. No good can be accomplished for the state, unless the men who desire to do it can get the political power which will enable them to do it. As the youth grows to a maturer manhood, his neighbors find that he is competent for the administration of important affairs, fit to be legislator, or judge, or governor, or president. He is quite right in desiring to be elected. If he be not elected when he is the candidate of his party, it is not merely that the people have chosen another man instead of him, it is that the people have chosen that the thing shall be done which he thinks wrong, and that the thing shall not be done which he thinks right. The election must be carried for the candidate of his party, and for him if he be the candidate of his party, or the things he wishes done cannot be done. He cannot be a good senator, or a good president, unless he be elected senator or

president. So he naturally and properly seeks to be in close touch with the people in whose hands the power of the state is lodged. He conducts himself in a high office so as to demand and deserve the confidence of the people. His sphere of power and duty enlarges, and his horizon enlarges with it. He finds that after a while his long, faithful, and honest service has so commended him to his constituents, that he is reasonably secure against popular inconstancy, or the changes of political opinion. That was the case with Clay, and Adams, and Webster, and Sumner. We have had as many examples of it in our democracy as there have been in forms of government usually deemed to be more stable. Then the man, if he be of a large and generous nature, ceases to think solely or chiefly of the opinion even of the generation to which he belongs. His horizon has expanded again. He feels himself, as did these great men whom I have just named, contemporary with all the generations. He listens to and obeys the teachings of his ancestors. He is willing to wait for the verdict of posterity.

Public men in America are more immediately dependent upon temporary public opinion than elsewhere. Under our system there is little opportunity for official service, unless the man represent the political opinion of the locality where he dwells. In England a man of preëminent ability is sure to be returned to Parliament even if his neighbors will not send him. Here the state representative or senator must represent the opinion of the small district where he dwells, the representative or senator in Congress must agree with the district or state where he dwells, or that opportunity for public service is denied him. This condition of things tends to produce a race not of political leaders, but only of political followers. The statesman, to use a mischievous phrase, lays his ear to the ground, eager to discover the first indication of a popular opinion of which he is to be the obedient and willing slave. Yet it is remarkable, and it is gratifying, that in spite of this danger the Republic has been able to keep its standard of statesmanship so high. It is partly because the political instincts of the people have in general been sane, and partly because the people in general have valued independence and have recognized charac-

ter in their public servants. We have had from the beginning —and the breed has not yet died out—a race of men who have not been afraid to trust the people, and have not been afraid to withstand the people. They have known the great secret of all statesmanship and, as well, of all political success, that he who withstands the people on fit occasions is the man who commonly trusts them most, and is always in the end the man they trust most.



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*(National, State, and Municipal)*

From "The American Commonwealth," by James Bryce. Edited and Abridged from the first American edition by John H. Clifford.

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# The American System of Government

*From "THE AMERICAN COMMONWEALTH"*

BY

JAMES BRYCE

Abridged and Edited from the First Edition by JOHN H. CLIFFORD

# THE AMERICAN SYSTEM OF GOVERNMENT.

## The National Government

### CHAPTER I

#### The Nation and the States

THE American Union is a Commonwealth of commonwealths, a Republic of republics, a State which, while one, is nevertheless composed of other States even more essential to its existence than it is to theirs.

When within a large political community smaller communities are found existing, the relation of the smaller to the larger usually appears in one or other of the two following forms: One form is that of a League, in which a number of political bodies, be they monarchies or republics, are bound together so as to constitute for certain purposes, and especially for the purpose of common defense, a single body. The members of such a composite body or league are not individual men but communities. It exists only as an aggregate of communities, and will therefore vanish so soon as the communities which compose it separate themselves from one another. A familiar instance of this form is to be found in the Germanic Confederation as it existed from 1815 till 1866. The Hanseatic League in mediæval Germany, the Swiss Confederation down till the present century, are other examples.

In the second form, the smaller communities are mere subdivisions of that greater one which we call the Nation. They have been created, or at any rate they exist, for administrative purposes only. Such powers as they possess are powers dele-

gated by the nation, and can be overridden by its will. The nation acts directly by its own officers, not merely on the communities, but upon every single citizen; and the nation, because it is independent of these communities, would continue to exist were they all to disappear. Examples of such minor communities may be found in the departments of modern France and the counties of modern England.

The American Federal Republic corresponds to neither of these two forms, but may be said to stand between them. Its central or national government is not a mere league, for it does not wholly depend on the component communities which we call the States. It is itself a commonwealth as well as a union of commonwealths, because it claims directly the obedience of every citizen, and acts immediately upon him through its courts and executive officers. Still less are the minor communities, the States, mere subdivisions of the Union, mere creatures of the national government, like the counties of England or the departments of France. They have over their citizens an authority which is their own, and not delegated by the central government. They have not been called into being by that government. They existed before it. They could exist without it. The American States are all inside the Union, and have all become subordinate to it. Yet the Union is more than an aggregate of States, and the States are more than parts of the Union. It might be destroyed, and they, adding a few further attributes of power to those they now possess, might survive as independent self-governing communities.

This is the cause of that immense complexity which startles and at first bewilders the foreign student of American institutions, a complexity which makes American history and current American politics so difficult to the European who finds in them phenomena to which his own experience supplies no parallel. There are two loyalties, two patriotisms; and the lesser patriotism is jealous of the greater. There are two governments, covering the same ground, commanding, with equally direct authority, the obedience of the same citizen. A due comprehension of this double organization is the first and indispensable step to the comprehension of American institutions:

as the elaborate devices whereby the two systems of government are kept from clashing are the most curious subject of study which those institutions present. How did so complex a system arise, and what influences have molded it into its present form? This is a question which cannot be answered without a few words of historical retrospect.

## CHAPTER II

### The Origin of the Constitution

When in the reign of George III. troubles arose between England and her North American colonists, there existed along the eastern coast of the Atlantic thirteen little communities, all owning allegiance to the British Crown. But practically each colony was a self-governing commonwealth, left to manage its own affairs with scarcely any interference from home. Each had its legislature, its own statutes adding to or modifying the English common law, its local corporate life and traditions.

When the oppressive measures of the home government roused the colonies, they naturally sought to organize their resistance in common. Singly they would have been an easy prey, for it was long doubtful whether even in combination they could make head against regular armies. A congress of delegates from nine colonies, held at New York in 1765, was followed by another at Philadelphia in 1774, at which twelve were represented, which called itself Continental (for the name American had not yet become established), and spoke in the name of "the good people of these colonies," the first assertion of a sort of national unity among the English of America. This congress, in which from 1775 onward all the colonies were represented, was a merely revolutionary body, called into existence by the war with the mother country. But in 1776 it declared the independence of the Colonies, and in 1777 it gave itself a new legal character by framing the "Articles of Confederation and Perpetual Union," whereby the thirteen States (as they now called themselves) entered into a "firm league of

friendship" with one another, offensive and defensive, while declaring that "each state retains its sovereignty, freedom, and independence, and every power, jurisdiction, and right which is not by this Confederation expressly delegated to the United States in Congress assembled."

This Confederation, which was not ratified by all the States till 1781, was rather a league than a national government, for it possessed no central authority except an assembly in which every State, the largest and the smallest alike, had one vote, and this authority had no jurisdiction over the individual citizens. The plan corresponded to the wishes of the colonists, but it worked badly, and was, in fact, as Washington said, no better than anarchy. Congress was impotent, and commanded respect as little as obedience.

Sad experience of their internal difficulties, and of the contempt with which foreign governments treated them, at last produced a feeling that some firmer and closer union of the States was needed. A convention of delegates from five States met at Annapolis in Maryland, in 1786, to discuss methods of enabling Congress to regulate commerce. It drew up a report which condemned the existing state of things, declared that reforms were necessary, and suggested a further general con vention in the following year to consider the condition of the Union and the needed amendments in its Constitution.

Such a convention was summoned and met at Philadelphia on the fourteenth of May, 1787, became competent to proceed to business on the twenty-fifth of May, when seven States were represented, and chose George Washington to preside. Delegates attended from every State but Rhode Island, and these delegates were the leading men of the country, influential in their several States, and now filled with a sense of the need for comprehensive reforms. The majority ultimately resolved to prepare a wholly new Constitution, to be considered and ratified neither by Congress nor by the state legislatures, but by the peoples of the several States.

The convention had not only to create *de novo*, on the most slender basis of preëxisting national institutions, a national government for a widely scattered people, but they had in doing

so to respect the fears and jealousies and apparently irreconcilable interests of thirteen separate commonwealths, to all of whose governments it was necessary to leave a sphere of action wide enough to satisfy a deep-rooted local sentiment, yet not so wide as to imperil national unity.

It was even a disputable point whether the colonists were already a nation or only the raw material out of which a nation might be formed. There were elements of unity, there were also elements of diversity. But while diversities and jealousies made union difficult, two dangers were absent which have beset the framers of constitutions for other nations. There were no reactionary conspirators to be feared, for every one prized liberty and equality. There were no questions between classes, no animosities against rank and wealth, for rank and wealth did not exist.

It was inevitable under such circumstances that the Constitution, while aiming at the establishment of a durable central power, should pay great regard to the existing centrifugal forces. It was, and remains what its authors styled it, eminently an instrument of compromises; it is perhaps the most successful instance in history of what a judicious spirit of compromise may effect.

The draft Constitution was submitted, as its last article provided, to conventions of the several States (i. e., bodies specially chosen by the people for the purpose) for ratification. It was to come into effect as soon as nine States had ratified, and eventually it was ratified by all the States.

There was a struggle everywhere over the adoption of the Constitution, a struggle which gave birth to the two great parties that for many years divided the American people. The chief source of hostility was the belief that a strong central government endangered both the rights of the States and the liberties of the individual citizen. Freedom, it was declared, would perish at the hands of her own children. Consolidation (for the word centralization had not yet been invented) would extinguish the state governments and the local institutions they protected. But the fear of foreign interference, the sense of weakness, both at sea and on land, against the military mon-

archies of Europe, was constantly before the mind of American statesmen, and made them anxious to secure at all hazards a national government capable of raising an army and navy, and of speaking with authority on behalf of the new Republic.

Several of the conventions which ratified the Constitution accompanied their acceptance with an earnest recommendation of various amendments to it, amendments designed to meet the fears of those who thought that it encroached too far upon the liberties of the people. Some of these were adopted, immediately after the original instrument had come into force, by the method it prescribes, viz., a two-thirds majority in Congress and a majority in three fourths of the States. They are the amendments of 1791, ten in number, and they constitute what the Americans, following a venerable English precedent, call a Bill or Declaration of Rights.

The Constitution of 1789 deserves the veneration with which Americans have been accustomed to regard it. It is true that many criticisms have been passed upon its arrangement, upon its omissions, upon the artificial character of some of the institutions it creates. And whatever success it has attained must be in large measure ascribed to the political genius, ripened by long experience, of the Anglo-American race, by whom it has been worked, and who might have managed to work even a worse drawn instrument. Yet, after all deductions, it ranks above every other written constitution for the intrinsic excellence of its scheme, its adaptation to the circumstances of the people, the simplicity, brevity, and precision of its language, its judicious mixture of definiteness in principle with elasticity in details.

The American Constitution is no exception to the rule that everything which has power to win the obedience and respect of men must have its roots deep in the past, and that the more slowly every institution has grown, so much the more enduring is it likely to prove. There is little in that Constitution that is absolutely new. There is much that is as old as Magna Charta. The men of the Convention had the experience of the English Constitution. That Constitution was very different then from what it is now. The powers and functions of the

Cabinet, the overmastering force of the House of Commons, the intimate connection between legislation and administration, these which are to us now the main characteristics of the English Constitution were still far from fully developed. But in other points of fundamental importance the Americans appreciated and turned to excellent account its spirit and methods.

Further, they had the experience of their colonial and state governments, and especially, for this was freshest and most in point, the experience of the working of the state constitutions, framed at or since the date when the colonies threw off their English allegiance. This experience taught them how much might safely be included in such a document and how far room must be left under it for unpredictable emergencies and unavoidable development.

Lastly, they had one principle of the English common law whose importance deserves special mention, the principle that an act done by any official person or law-making body in excess of his or its legal competence is simply void. Here lay the key to the difficulties which the establishment of a variety of authorities not subordinate to one another, but each supreme in its own defined sphere, necessarily involved. The application of this principle made it possible not only to create a national government which should leave free scope for the working of the State governments, but also so to divide the powers of the national government among various persons and bodies as that none should absorb or overbear the others.

## CHAPTER III

### Nature of the Federal Government

The acceptance of the Constitution of 1789 made the American people a nation. It turned what had been a League of States into a Federal State, by giving it a national government with a direct authority over all citizens. But as this national government was not to supersede the governments of the States, the problem which the Constitution-makers had to solve was two-fold. They had to create a central government. They had also to determine the relations of this central government to the States as well as to the individual citizen.

It must, however, be remembered that the Constitution does not profess to be a complete scheme of government, creating organs for the discharge of all the functions and duties which a civilized community undertakes. It presupposes the state governments. It assumes their existence, their wide and constant activity. It is a scheme designed to provide for the discharge of such and so many functions of government as the States do not already possess and discharge. It is, therefore, so to speak, the complement and crown of the State constitutions.

The administrative, legislative, and judicial functions for which the Federal Constitution provides are those relating to matters which must be deemed common to the whole nation, either because all the parts of the nation are alike interested in them, or because it is only by the nation as a whole that they can be satisfactorily undertaken. The chief of these common or national matters are:

War and peace: treaties and foreign relations generally
Army and navy.
Federal courts of justice.
Commerce, foreign and domestic.
Currency.
Copyright and patents.

The post-office and post roads.

Taxation for the foregoing purposes, and for the general support of the Government.

The protection of citizens against unjust or discriminating legislation by any State.

This list includes the subjects upon which the national legislature has the right to legislate, the national executive to enforce the Federal laws and generally to act in defense of national interests, the national judiciary to adjudicate. All other legislation and administration is left to the several States, without power of interference by the Federal Legislature or Federal Executive.

The framers of this government set before themselves four objects as essential to its excellence, viz.,

Its vigor and efficiency.

The independence of each of its departments (as being essential to the permanency of its form).

Its dependence on the people.

The security under it of the freedom of the individual.

The first of these objects they sought by creating a strong executive; the second by separating the legislative, executive, and judicial powers from one another, and by the contrivance of various checks and balances; the third by making all authorities elective and elections frequent; the fourth both by the checks and balances aforesaid, so arranged as to restrain any one department from tyranny, and by placing certain rights of the citizen under the protection of the written Constitution.

These men, practical politicians who knew how infinitely difficult a business government is, desired no bold experiments. They preferred, so far as circumstances permitted, to walk in the old paths, to follow methods which experience had tested. Accordingly they started from the system on which their own colonial governments, and afterward their State governments, had been conducted. They created an executive magistrate, the President, on the model of the State governor, and of the British Crown. They created a legislature of two Houses, Congress, on the model of the two Houses of their State legislatures, and of the British Parliament. And following the

precedent of the British judges, irremovable except by the Crown and Parliament combined, they created a judiciary appointed for life, and irremovable save by impeachment. In these great matters, however, as well as in many lesser matters, they copied not so much the Constitution of England as the Constitutions of their several States, in which, as was natural, many features of the English Constitution had been embodied. It has been truly said that nearly every provision of the Federal Constitution that has worked well is one borrowed from or suggested by some State constitution.

The British Parliament had always been, was then, and remains now, a sovereign and constituent assembly. It can make and unmake any and every law, change the form of government or the succession to the Crown, interfere with the course of justice, extinguish the most sacred private rights of the citizen. Both practically and legally, it is to-day the only and the sufficient depository of the authority of the nation; and is therefore, within the sphere of law, irresponsible and omnipotent. In the American system there exists no such body. Not merely Congress alone, but also Congress and the President conjoined, are subject to the Constitution, and cannot move a step outside the circle which the Constitution has drawn around them. If they do, they transgress the law and exceed their powers. Such acts as they may do in excess of their powers are void, and may be, indeed ought to be, treated as void by the meanest citizen. The only power which is ultimately sovereign, as the British Parliament is always and directly sovereign, is the people of the States, acting in the manner prescribed by the Constitution, and capable in that manner of passing any law whatever in the form of a constitutional amendment.

The subjection of all the ordinary authorities and organs of government to a supreme instrument expressing the will of the sovereign people, and capable of being altered by them only, has been usually deemed the most remarkable novelty of the American system. But it is merely an application to the wider sphere of the nation, of a plan approved by the experience of the several States. And the plan had, in these States, been

the outcome rather of a slow course of historical development than of conscious determination taken at any one point of their progress from petty settlements to powerful commonwealths.

## CHAPTER IV

### The President

Every one who undertakes to describe the American system of government is obliged to follow the American division of it into the three departments—Executive, Legislative, Judicial.

The President is the creation of the Constitution of 1789. Under the Confederation there was only a presiding officer of Congress, but no head of the nation.

Why was it thought necessary to have a President at all? The fear of monarchy, of a strong government, of a centralized government, prevailed widely in 1787. The convention found it extremely hard to devise a satisfactory method of choosing the President. Yet it was settled very early in the debates of 1787 that the central executive authority must be vested in one person; and the opponents of the draft Constitution, while quarreling with his powers, did not accuse his existence.

The explanation is to be found not so much in the wish to reproduce the British Constitution as in the familiarity of the Americans, as citizens of the several States, with the office of State governor (in some States then called President) and in their disgust with the feebleness which Congress had shown. Opinion called for a man, because an assembly had been found to lack promptitude and vigor. And it may be conjectured that the alarms felt as to the danger from one man's predominance were largely allayed by the presence of George Washington. Even while the debates were proceeding, every one must have thought of him as the proper person to preside over the Union as he was then presiding over the convention. The creation of the office would seem justified by the existence of a person exactly fitted to fill it. Hamilton proposed that the head of the State should be appointed for good behavior, i.e.,

for life, subject to removal by impeachment. The proposal was defeated, though it received the support of persons so democratically-minded as Madison and Edmund Randolph; but nearly all sensible men admitted that the risk of foreign wars required the concentration of executive powers into a single hand. And the fact that in every one of their commonwealths there existed an officer in whom the State Constitution vested executive authority, balancing him against the State legislature, made the establishment of a Federal chief magistrate seem the obvious course.

The statesmen of the Convention made an enlarged copy of the State governor, or a reduced and improved copy of the English king, shorn of a part of his prerogative by the intervention of the Senate in treaties and appointments, of another part by the restriction of his action to Federal affairs, while his dignity as well as his influence are diminished by his holding office for four years instead of for life. Subject to these and other precautions, he was meant by the Constitution-framers to resemble the State governor and the British king, not only in being the head of the executive, but in standing apart from and above political parties. He was to represent the nation as a whole, as the governor represented the State commonwealth, and to think only of the welfare of the people.

This idea appears in the method provided for the election of a President. To have left the choice of the chief magistrate to a direct popular vote over the whole country would have raised a dangerous excitement, and would have given too much encouragement to candidates of merely popular gifts. To have entrusted it to Congress would have not only subjected the executive to the legislature in violation of the principle which requires these departments to be kept distinct, but have tended to make him the creature of one particular faction instead of the choice of the nation. Hence the device of a double election was adopted. The Constitution directs each State to choose a number of presidential electors equal to the number of its representatives in both Houses of Congress. Some weeks later, these electors meet in each State on a day fixed by law, and give their votes in writing for the President and Vice-

President. The votes are transmitted, sealed up, to the capital, and there opened by the President of the Senate, in the presence of both Houses, and counted. To preserve the electors from the influence of faction, it is provided that they shall not be members of Congress, nor holders of any Federal office. Being themselves chosen electors on account of their personal merits, they would be better qualified than the masses to select an able and honorable man for President. Moreover, as the votes are counted promiscuously, and not by States, each elector's voice would have its weight. He might be in a minority in his own State, but his vote would nevertheless tell because it would be added to those given by electors in other States for the same candidate.

But the presidential electors have become a mere cog-wheel in the machine; a mere contrivance for giving effect to the decision of the people. Their personal qualifications are a matter of indifference. They have no discretion, but are chosen under a pledge—a pledge of honor merely, but a pledge which has never (since 1796) been violated—to vote for a particular candidate. In choosing them the people virtually choose the President, and thus the very thing which the men of 1787 sought to prevent has happened—the President is chosen by a popular vote.

In the first two presidential elections (in 1789 and 1792) the independence of the electors did not come into question, because everybody was for Washington, and parties had not yet been fully developed. Yet in the election of 1792 it was generally understood that electors of one way of thinking were to vote for Clinton as their second candidate (i.e., for Vice-President) and those of the other side for John Adams. In the third election (1796) no pledges were exacted from electors, but the election contest in which they were chosen was conducted on party lines, and although, when the voting by the electors arrived, some few votes were scattered among other persons, there were practically only two presidential candidates before the country, John Adams and Thomas Jefferson, for the former of whom the electors of the Federalist party, for the latter those of the Republican (Democratic) party were ex-

pected to vote. The fourth election was a regular party struggle, carried on in obedience to party arrangements. Both Federalists and Republicans put the names of their candidates for President and Vice-President before the country, and around these names the battle raged. The notion of leaving any freedom or discretion to the electors had vanished, for it was felt that an issue so great must and could be decided by the nation alone. From that day till now there has never been any question of reviving the true and original intent of the plan of double election, and consequently nothing has ever turned on the personality of the electors. They are now so little significant that to enable the voter to know for which set of electors his party desires him to vote, it is found necessary to put the name of the presidential candidate whose interest they represent at the top of the voting ticket on which their own names are printed.

The completeness and permanence of this change has been assured by the method which now prevails of choosing the electors. The Constitution leaves the method to each State, and in the earlier days many States entrusted the choice to their legislatures. But as democratic principles became developed, the practice of choosing the electors by direct popular vote spread by degrees, and popular election now rules everywhere. Thus the issue comes directly before the people. The parties nominate their respective candidates, a "campaign" begins, the polling for electors takes place early in November, on the same day over the whole Union, and when the result is known the contest is over, because the subsequent meeting and voting of the electors in their several States is mere matter of form.

So far, the method of choice by electors may seem to be merely a roundabout way of getting the judgment of the people. It is more than this. It has several singular consequences, unforeseen by the framers of the Constitution. It has made the election virtually an election by States, for the present system of choosing electors by "general ticket" over the whole State causes the whole weight of a State to be thrown into the scale of one candidate, that candidate whose list of electors is

carried in the given State. Hence in a presidential election, the struggle concentrates itself mainly in the doubtful States where the great parties are pretty equally divided, and hence also a man may be, and has been, elected President by a minority of popular votes.

When such has been the fate of the plan of 1787, it need hardly be said that the ideal president, the great and good man above and outside party, whom the judicious and impartial electors were to choose, has not usually been secured. Nearly every president has been elected as a party leader by a party vote, and has felt bound to carry out the policy of the men who put him in power. Thus America has reproduced the English system of executive government by a party majority. In practice, the disadvantages of the American plan are less serious than might be expected, for the responsibility of a great office and the feeling that he represents the whole nation have tended to sober and control the President. Except as regards patronage, he has seldom acted as a mere tool of faction, or sought to base his administrative powers to the injury of his political adversaries.

The Constitution prescribes no limit for the reëligibility of the President. He may go on being chosen for one four-year period after another for the term of his natural life. But tradition has supplied the place of law. Elected in 1789, Washington submitted to be reëlected in 1792. But when he had served this second term he absolutely refused to serve a third, urging the risk to republican institutions of suffering the same man to continue constantly in office. Jefferson, Madison, Monroe, and Jackson obeyed the precedent, and did not seek, nor their friends for them, reëlection after two terms, and no man has ever been so reëlected.

The Constitution requires for the choice of a President "a majority of the whole number of electors appointed." If no such majority is obtained by any candidate, i.e., if the votes of the electors are so scattered among different candidates, that out of the total number no one receives an absolute majority, the choice goes over to the House of Representatives, who are empowered to choose a President from among the three candi-

dates who have received the largest number of electoral votes. In the House the vote is taken by States, a majority of all the States being necessary for a choice. As all the members of the House from a State have but one collective vote, it follows that if they are equally divided among themselves, e.g., if half the members from a given State are Democratic and half Republican, the vote of that State is lost. Supposing this to be the case in half the total number of States, or supposing the States so to scatter their votes that no candidate receives an absolute majority, then no President is chosen, and the Vice-President becomes President.

In this mode of choice, the popular will may be still less recognized than it is by the method of voting through presidential electors, for if the twenty smaller States were, through their representatives in the House, to vote for candidate A, and the eighteen larger States for candidate B, A would be seated, though the population of the twenty smaller States is, of course, very much below that of the eighteen larger.

The Constitution seems, though its language is not explicit, to have intended to leave the counting of the votes to the President of the Senate (the Vice-President of the United States); and in early days this officer superintended the count, and decided questions as to the admissibility of doubtful votes. However, Congress has, in virtue of its right to be present at the counting, assumed the further right of determining all questions which arise regarding the validity of electoral votes. This would be all very well were a decision by Congress always certain of attainment. But it often happens that one party has a majority in the Senate, another party in the House, and then, as the two Houses vote separately and each differently from the other, a deadlock results.

These things point to a grave danger in the presidential system. The stake played for is so high that the temptation to fraud is immense; and as the ballots given for the electors by the people are received and counted by State authorities under State laws, an unscrupulous State faction has opportunities for fraud at its command. Congress not many years ago enacted a statute which to some extent meets the problem by

providing that tribunals appointed in and by each State shall determine what electoral votes from the State are legal votes; and that if the State has appointed no such tribunal, the two Houses of Congress shall determine which votes (in case of double returns) are legal. If the Houses differ the vote of the State is lost.

A President is removable during his term of office only by means of impeachment. In obedience to State precedents, it is by the House of Representatives that the President is impeached, and by the Senate, sitting as a law court, with the Chief Justice of the Supreme Court, the highest legal official of the country, as presiding officer, that he is tried. A two-thirds vote is necessary to conviction, the effect of which is simply to remove him from and disqualify him for office, leaving him "liable to indictment, trial, judgment, and punishment, according to law." The impeachable offenses are "treason, bribery, or other high crimes and misdemeanors," an expression which some have held to cover only indictable offenses, while others extend it to include acts done in violation of official duty and against the interests of the nation.

In case of the removal of a President by his impeachment, or of his death, resignation, or inability to discharge his duties, the Vice-President steps into his place. The Vice-President is chosen at the same time, by the same electors, and in the same manner as the President. His only functions are to preside in the Senate and to succeed the President. Failing both President and Vice-President, it was formerly provided by statute, not by the Constitution, that the presiding officer for the time being of the Senate should succeed to the presidency, and, failing him, the Speaker of the House of Representatives. To this plan there was the obvious objection that it might throw power into the hands of the party opposed to that to which the lately deceased President belonged; and it has therefore been (1886) enacted that on the death of a President the Secretary of State shall succeed, and after him other officers of the administration, in the order of their rank.

## CHAPTER V

### Presidential Powers and Duties

The powers and duties of the President as head of the Federal executive are the following:

Command of Federal army and navy and of militia of several States when called into services of the United States.

Power to make treaties, but with advice and consent of the Senate, i.e., consent of two thirds of senators present.

Power to appoint ambassadors and consuls, Judges of Supreme Court, and all other higher Federal officers, but with advice and consent of Senate.

Power to grant reprieves and pardons for offenses against the United States, except in cases of impeachment.

Power to convene both Houses on extraordinary occasions.

Power to disagree with (i.e., to send back for re-consideration) any bill or resolution passed by Congress, but subject to the power of Congress to finally pass the same, after re-consideration, by a two-thirds majority in each House.

Duty to inform Congress of the state of the Union, and to recommend measures to Congress.

Duty to receive foreign ambassadors.

Duty to "take care that the laws be faithfully executed."

Duty to commission all the officers of the United States.

These functions group themselves into four classes:

Those which relate to foreign affairs.

Those which relate to domestic administration.

Those which concern legislation.

The power of appointment.

The President has not a free hand in foreign policy. He cannot declare war, for that belongs to Congress, though he may bring affairs to a point at which it is hard for Congress to refrain from the declaration. Treaties require the approval of two thirds of the Senate; and in order to secure this, it is usually necessary for the Executive to be in constant communication with the Foreign Affairs Committee of that body. Practically, and for the purposes of ordinary business, the President is independent of the House, while the Senate, though it can prevent his settling anything, cannot keep him from unsettling everything. He, or rather his Secretary of State, retains an unfettered initiative, by means of which he may embroil the country abroad or excite passion at home.

The domestic authority of the President is in time of peace very small, because by far the larger part of law and administration belongs to the State governments, and because Federal administration is regulated by statutes which leave little discretion to the Executive. In war time, however, and especially in a civil war, it expands with portentous speed. Both as commander-in-chief of the army and navy, and as charged with the "faithful execution of the laws," the President is likely to be led to assume all the powers which the emergency requires. How much he can legally do without the aid of statutes is disputed, but it is at least clear that Congress can make him, as it did make Lincoln, almost a dictator. Without any previous legislative sanction President Lincoln issued his emancipation proclamations.

It devolves on the Executive as well as on Congress to give effect to the provisions of the Constitution whereby a republican form of government is guaranteed to every State: and a State may, on the application of its legislature, or executive (when the legislature cannot be convened), obtain protection against domestic violence. Where there are two governments disputing by force the control of a State, or where an insurrection breaks out, this power becomes an important one, for it involves the employment of troops, and enables the President to establish the government he prefers to recognize. Fortunately the case has been one of rare occurrence.

The President has the right of speaking to the nation by addresses or proclamations, a right not expressly conferred by the Constitution, but inherent in his position. On entering office, it is usual for the new magistrate to issue an inaugural address, stating his views on current public questions. He retains all rights of the ordinary citizen, including the right of voting at Federal as well as State elections in his own State.

The position of the President as respects legislation is a peculiar one. He is not a member of the legislature at all. He is an independent and separate power on whom the people, for the sake of checking the legislature and of protecting themselves against it, have specially conferred the function of arresting by his disapproval its acts. He cannot introduce bills, either directly or through his ministers, for they do not sit in Congress. All that the Constitution permits him to do in this direction is to inform Congress of the state of the nation, and to recommend the measures which his experience in administration shows to be necessary. This latter function is discharged by the messages which the President addresses to Congress. The most important is that sent by the hand of his private secretary at the beginning of each session.

George Washington used to deliver his addresses orally, like an English king, and drove in a coach and six to open Congress with something of an English king's state. But Jefferson, when his turn came in 1801, whether from republican simplicity, as he said himself, or because he was a poor speaker, as his critics said, began the practice of sending communications in writing; and this has been followed ever since. The message usually discusses the leading questions of the moment, indicates mischiefs needing a remedy, and suggests the requisite legislation. But as no bills are submitted by the President, and as, even were he to submit them, no one of his ministers sits in either House to explain and defend them, the message is a shot in the air without practical result. It is rather a manifesto, or declaration of opinion and policy, than a step towards legislation. Congress is not moved: members go their own way and bring in their own bills.

Far more effective is the President's part in the last stage

of legislation, for here he finds means provided for carrying out his will. When a bill is presented to him, he may sign it, and his signature makes it law. If, however, he disapproves of it, he returns it within ten days to the House in which it originated, with a statement of his grounds of disapproval. If both Houses take up the bill again and pass it by a two-thirds majority in each House, it becomes law forthwith without requiring the President's signature. If it fails to obtain this majority it drops.

Considering that the arbitrary use, by George III. and his colonial governors, of the power of refusing bills passed by a colonial legislature had been a chief cause of the Revolution of 1776, it is to the credit of the Americans that they inserted this apparently undemocratic provision in the Constitution of 1789. It has worked wonderfully well. Most Presidents have used it sparingly, and only where they felt either that there was a case for delay, or that the country would support them against the majority in Congress. Perverse or headstrong Presidents have been usually defeated by the use of the two-thirds vote to pass the bill over their objections.

The reasons why the veto provisions of the Constitution have succeeded appear to be two. One is that the President, being an elective and not a hereditary magistrate, is deemed to act for the people, is responsible to the people, and has the weight of the people behind him. The people regard him as a check, an indispensable check, not only upon the haste and heedlessness of their representatives, the faults that the framers of the Constitution chiefly feared, but upon their tendency to yield either to pressure from any section of their constituents, or to temptations of a private nature. He is expected to resist these tendencies on behalf of the whole people, whose interests may suffer from the selfishness as well of sections as of individuals. The other reason is that a veto can never take effect unless there is a substantial minority of Congress, a minority exceeding one third in one or other House, which agrees with the President. Should the majority threaten him he is therefore sure of considerable support.

In its practical working the presidential veto power fur-

nishes an interesting illustration of the tendency of unwritten or flexible constitutions to depart from, of written or rigid constitutions to cleave to, the letter of the law. The strict legal theory of the rights of the head of the State is in this point exactly the same in England and in America. But whereas it is now the undoubted duty of an English king to assent to every bill passed by both Houses of Parliament, however strongly he may personally disapprove its provisions, it is the no less undoubted duty of an American President to exercise his independent judgment on every bill, not sheltering himself under the representatives of the people, or foregoing his own opinion at their bidding.

As the President is charged with the whole Federal administration, and responsible for its due conduct, he must of course be allowed to choose his executive subordinates. But as he may abuse this tremendous power, the Constitution associates the Senate with him, requiring the "advice and consent" of that body to the appointments he makes. It also permits Congress to vest in the courts of law, or in the heads of departments, the right of appointing to "inferior offices." This last clause has been used to remove many posts from the nomination of the President. But a vast number still remains in his gift. The confirming power entrusted to the Senate has become a political factor of the highest moment. The framers of the Constitution probably meant nothing more than that the Senate should check the President by rejecting nominees who were personally unfit, morally or intellectually, for the post to which he proposed to appoint them. The Senate has always, except in its struggle with President Johnson, left the President free to choose his cabinet ministers. But it early assumed the right of rejecting a nominee to any other office on any ground which it pleased, as, for instance, if it disapproved his political affiliations, or simply if it disliked him, or wished to spite the President. Presently the senators from the State wherein a Federal office to which the President had made a nomination lay, being the persons chiefly interested in the appointment, and most entitled to be listened to by the rest of the Senate when considering it, claimed to have a paramount

voice in deciding whether the nomination should be confirmed. This claim was substantially yielded, for it applied all around, and gave every senator what he wanted. The senators then proceeded to put pressure on the President. They insisted that before making a nomination to an office in any State he should consult the senators from that State who belonged to his own party, and be guided by their wishes. By this system, which obtained the name of the Courtesy of the Senate, the President was practically enslaved as regards appointments, because his refusal to be guided by the senator or senators within whose State the office lay exposed him to have his nomination rejected. The senators, on the other hand, obtained a mass of patronage by means of which they could reward their partisans, control the Federal civil servants of their State, and build up a faction devoted to their interests.

The right of the President to remove from office has given rise to long controversies. In the Constitution there is not a word about removals; and very soon after it had come into force the question arose whether, as regards those offices for which the confirmation of the Senate is required, the President could remove without its consent. In 1867, Congress, fearing that the President would dismiss a great number of officials who sided with it against him, passed an Act, known as the Tenure of Office Act, which made the consent of the Senate necessary to the removal of office-holders, even of the President's (so-called) cabinet ministers, permitting him only to suspend them from office during the time when Congress was not sitting. The constitutionality of this Act has been much doubted, and in 1887 it was, with general approval, repealed.

In no European country is there any personage to whom the President can be said to correspond. If we look at parliamentary countries like England, Italy, Belgium, he resembles neither the sovereign nor the prime minister, for the former is not a party chief at all, and the latter is palpably and confessedly nothing else. The President enjoys more authority, if less dignity, than a European king. He has powers for the moment narrower than a European prime minister, but these powers are more secure, for they do not depend on the pleasure of a

parliamentary majority, but run on to the end of his term. One naturally compares him with the French President, but the latter has a prime minister and cabinet, dependent on the chamber, at once to relieve and to eclipse him: in America the President's cabinet is a part of himself and has nothing to do with Congress.

The difficulty in forming a just estimate of the President's power arises from the fact that it differs so much under ordinary and under extraordinary circumstances. In ordinary times the President may be compared to the senior or managing clerk in a large business establishment, whose chief function is to select his subordinates, the policy of the concern being in the hands of the board of directors. But when foreign affairs become critical, or when disorders within the Union require his intervention, when, for instance, it rests with him to put down an insurrection or to decide which of two rival State governments he will recognize and support by arms, everything may depend on his judgment, his courage, and his hearty loyalty to the principles of the Constitution.

It used to be thought that hereditary monarchs were strong because they reigned by a right of their own, not derived from the people. A President is strong for the exactly opposite reason, because his rights come straight from the people. Nowhere is the rule of public opinion so complete as in America, nor so direct, that is to say, so independent of the ordinary machinery of government. Now, the President is deemed to represent the people no less than do the members of the legislature. Public opinion governs by and through him no less than by and through them, and makes him powerful even against the legislature.

Although recent Presidents have shown no disposition to strain their authority, it is still the fashion in America to be jealous of the President's action, and to warn citizens against what is called "the one-man power." This is due to the fear that a President repeatedly chosen would become dangerous to republican institutions. The President has a position of immense dignity, an unrivaled platform from which to impress his ideas upon the people. But it is hard to imagine a Presi-

dent overthrowing the existing Constitution. He has no standing army and he cannot create one. Congress can checkmate him by stopping supplies. There is no aristocracy to rally around him. Every State furnishes an independent center of resistance. If he were to attempt a coup d'état, it could only be by appealing to the people against Congress, and Congress could hardly, considering that it is reëlected every two years, attempt to oppose the people. One must suppose a condition bordering on civil war, and the President putting the resources of the Executive at the service of one of the intending belligerents, already strong and organized, in order to conceive a case in which he would be formidable to freedom. If there be any danger, it would seem to lie in another direction. The larger a community becomes the less does it seem to respect an assembly, the more is it attracted by an individual man. A bold President who knew himself to be supported by a majority in the country, might be tempted to override the law, and deprive the minority of the protection which the law affords it. He might be a tyrant, not against the masses, but with the masses. But nothing in the present state of American politics gives weight to such apprehensions.

## CHAPTER VI

### The Cabinet

Almost the only reference in the Constitution to the ministers of the President is that contained in the power given him to "require the opinion in writing of the principal officer in each of the executive departments upon any subject relating to the duties of their respective offices." All these departments have been created by Acts of Congress. Washington began in 1789 with four only, at the head of whom were the following four officials:

Secretary of State.
Secretary of the Treasury.
Secretary of War.
Attorney-General.

In 1798 there was added a Secretary of the Navy, in 1829 a Postmaster-General, in 1849 a Secretary of the Interior, and in 1888 a Secretary of Agriculture.

These now make up what is called the cabinet. All are appointed by the President, subject to the consent of the Senate (which is practically never refused), and may be removed by the President alone. None of them can vote in Congress, the Constitution providing that "no person holding any office under the United States shall be a member of either House during his continuance in office." This restriction was intended to prevent the President not merely from winning over individual members of Congress by the allurements of office, but also from making his ministers agents in corrupting or unduly influencing the representatives of the people, as George III. and his ministers corrupted the English Parliament. The Constitution contains nothing to prevent ministers from being present in either House of Congress and addressing it. It is entirely silent on the subject of communications between officials (other than the President) and the representatives of the people.

The President has the amplest range of choice for his ministers. He usually forms an entirely new cabinet when he enters office, even if he belongs to the same party as his predecessor. He may take men who not only have never sat in Congress, but have not figured in politics at all, who may never have sat in a State legislature nor held the humblest office. Usually, of course, the persons chosen have already made for themselves a position of at least local importance. Often they are those to whom the new President owes his election, or to whose influence with the party he looks for support in his policy. Sometimes they have been his most prominent competitors for the party nominations. Thus Mr. Lincoln in 1860 appointed Mr. Seward and Mr. Chase to be his Secretary of State and Secretary of the Treasury respectively, they being the two men who had come next after him in the selection by the Republican party of a Presidential candidate.

The most dignified place in the cabinet is that of the Secretary of State. It is the great prize often bestowed on the man

to whom the President is chiefly indebted for his election, or at any rate on one of the leaders of the party. In early days, it was regarded as the stepping-stone to the presidency. Jefferson, Madison, Monroe, and J. Q. Adams had all served as secretaries to preceding presidents. The conduct of foreign affairs is the chief duty of the State Department: its head has therefore a larger stage to play on than any other minister, and more chances of fame. The foreign policy of the administration is practically that of the Secretary, except so far as the latter is controlled by the Senate, and especially by the chairman of its committee on Foreign Relations. The State Department has also the charge of the great seal of the United States, keeps the archives, publishes the statutes, and of course instructs and controls the diplomatic and consular services.

The Secretary of the Treasury is minister of finance. His function was of the utmost importance at the beginning of the government, when a national system of finance had to be built up and the Federal Government rescued from its grave embarrassments. Hamilton, who then held the office, effected both. During the Civil War, it became again powerful, owing to the enormous loans contracted and the quantities of paper money issued, and it remains so now, because it has the management (so far as Congress permits) of the currency and the national debt. The Secretary has, however, by no means the same range of action as a finance minister in European countries, for as he is excluded from Congress, although he regularly reports to it, he has nothing directly to do with the imposition of taxes, and very little with the appropriation of revenue to the various burdens of the State.

The Secretary of the Interior is far from being the omnipresent power which a minister of the interior is in France or Italy, or even a Home Secretary in England, since nearly all the functions which these officials discharge belong in America to the State governments or to the organs of local government. He is chiefly occupied in the management of the public lands, still of immense value, despite the lavish grants made to railway companies, and with the conduct of Indian affairs. Patents and pensions also belong to his province.

The duties of the Secretary of War, the Secretary of the Navy, the Postmaster-General, and the Secretary of Agriculture, may be gathered from their names. The Attorney-General needs a word of explanation. He is not only public prosecutor and standing counsel for the United States, but also to some extent what is called on the European continent a minister of justice. He has a general oversight—it can hardly be described as a control—of the Federal judicial departments, and especially of the prosecuting officers called district attorneys, and executive court officers, called United States marshals. He is the legal adviser of the President in those delicate questions, necessarily frequent under the Constitution of the United States, which arise as to the limits of the executive power and the relations of Federal to State authority, and generally in all legal matters. His opinions are frequently published officially, as a justification of the President's conduct, and an indication of the view which the Executive takes of his legal position and duties in a pending matter.

In the constitutional monarchies of Europe the sovereign is irresponsible and the minister responsible for the acts which he does in the sovereign's name. In America the President is responsible because the minister is nothing more than his servant, bound to obey him, and independent of Congress. The minister's acts are therefore legally the acts of the President Nevertheless the minister is also responsible and liable to impeachment for offenses committed in the discharge of his duties.

So much for the ministers taken separately. It remains to consider how an American administration works as a whole, this being in Europe, and particularly in England, the most peculiar and significant feature of the parliamentary or so-called "cabinet" system.

In America the administration does not work as a whole. It is not a whole. It is a group of persons, each individually dependent on and answerable to the President, but with no joint policy, no collective responsibility

When the Constitution was established, and George Washington chosen first President under it, it was intended that the

President should be outside and above party, and the method of choosing him by electors was contrived with this very view. Washington belonged to no party, nor indeed, though diverging tendencies were already manifest, had parties yet begun to exist. There was therefore no reason why he should not select his ministers from all sections of opinion.

As all subsequent Presidents have been seated by one or other party, all have felt bound to appoint a party cabinet. Their party expects it from them; and they naturally prefer to be surrounded and advised by their own friends.

So far, an American cabinet resembles an English one. It is composed exclusively of members of one party. But now mark the differences. The parliamentary system of England and of those countries which like Belgium, Italy, and the self-governing British colonies, have more or less modeled themselves upon England, rests on four principles.

The head of the executive (be he king or governor) is irresponsible. Responsibility attaches to the cabinet, i.e., to the body of ministers who advise him, so that if he errs, it is through their fault; they suffer and he escapes. The ministers cannot allege, as a defense for any act of theirs, the command of the Crown. If the Crown gives them an order of which they disapprove, they ought to resign. The ministers sit in the legislature, practically forming in England, as has been observed by the most acute of English constitutional writers, a committee of the legislature, chosen by the majority for the time being. The ministers are accountable to the legislature, and must resign office as soon as they lose its confidence. The ministers are jointly as well as severally liable for their acts: i.e., the blame of an act done by any of them falls on the whole cabinet, unless one of them chooses to take it entirely on himself and retire from office. Their responsibility is collective.

None of these principles holds true in America. The President is personally responsible for his acts, not indeed to Congress, but to the people, by whom he is chosen. No means exist of enforcing this responsibility, except by impeachment, but as his power lasts for four years only, and is

much restricted, this is no serious evil. He cannot avoid responsibility by alleging the advice of his ministers, for he is not bound to follow it, and they are bound to obey him or retire. The ministers do not sit in Congress. They are not accountable to it, but to the President, their master. It may request their attendance before a committee, as it may require the attendance of any other witness, but they have no opportunity of expounding and justifying to Congress, as a whole, their own, or rather their master's, policy. Hence an adverse vote of Congress does not affect their or his position. If they propose to take a step which requires money, and Congress refuses the requisite appropriation, the step cannot be taken. But a dozen votes of censure will neither compel them to resign nor oblige the President to pause in any line of conduct which is within his constitutional rights.

In this state of things one cannot properly talk of the cabinet apart from the President. While the President commits each department to the minister whom the law provides, and may if he chooses leave it altogether to that minister, the executive acts done are his own acts, by which the country will judge him; and still more is his policy, as a whole, his own policy, and not the policy of his ministers taken together. A significant illustration of the contrast between the English and the American systems may be found in the fact that whereas an English king never now sits in his own cabinet, because if he did he would be deemed accountable for its decisions, an American President always does, because he is accountable, and really needs advice to help him, not to shield him.

## CHAPTER VII

### The Senate

The National Legislature of the United States, called Congress, consists of two bodies, sufficiently dissimilar in composition, powers, and character to require a separate description.

The Senate consists of two persons from each State, who must be inhabitants of that State, and at least thirty years of age. They are elected by the legislature of their state for six years, and are reëligible. One third retires every two years, so that the whole body is renewed in a period of six years, the old members being thus at any given moment twice as numerous as the new members elected within the last two years. A majority of all the members constitutes a quorum.

No senator can hold any office under the United States. The Vice-President of the Union is *ex-officio* President of the Senate, but has no vote, except a casting vote when the numbers are equally divided. Failing him (if, for instance, he dies, or falls sick, or succeeds to the presidency), the Senate chooses one of its number to be president *pro tempore*. His authority in questions of order is very limited, the decision of such questions being held to belong to the Senate itself.

The functions of the Senate fall into three classes—legislative, executive, and judicial. Its legislative function is to pass, along with the House of Representatives, bills which become Acts of Congress on the assent of the President, or even without his consent if passed a second time by a two-thirds majority of each House, after he has returned them for reconsideration. Its executive functions are:—(*a*) To approve or disapprove the President's nominations of Federal officers, including judges, ministers of state, and ambassadors. (*b*) To approve, by a majority of two thirds of those present, of treaties made by the President—i.e., if less than two thirds approve, the treaty falls to the ground. Its judicial function is to sit as a court for the trial of impeachments preferred by the House of Representatives.

The most conspicuous, and what was at one time deemed the most important feature of the Senate, is that it represents the several States of the Union as separate commonwealths, and is thus an essential part of the Federal scheme. Every State, be it as great as New York or as small as Delaware, sends two senators, no more and no less. This arrangement was long resisted by the delegates of the larger States in the Convention of 1787, and ultimately adopted because nothing less would reassure the smaller States, who feared to be overborne by the larger. It is now the provision of the Constitution most difficult to change, for "no State can be deprived of its equal suffrage in the Senate without its consent," a consent most unlikely to be given. There has never, in point of fact, been any division of interests or consequent contests between the great States and the small ones.

The Senate also constitutes, as Hamilton anticipated, a link between the State Governments and the National Government. It is a part of the latter, but its members derive their title to sit in it from their choice by State legislatures. In one respect this connection is no unmixed benefit, for it has helped to make the national parties powerful, and their strife intense, in these last-named bodies. Every vote in the Senate is so important to the great parties that they are forced to struggle for ascendancy in each of the State legislatures by whom the senators are elected. The method of choice in these bodies was formerly left to be fixed by the laws of each State, but as this gave rise to much uncertainty and intrigue, a Federal statute was passed in 1866 providing that each House of a State legislature shall first vote separately for the election of a Federal senator, and that if the choice of both Houses shall not fall on the same person, both Houses in joint meeting shall proceed to a joint vote, a majority of each House being present. Even under this arrangement, a senatorial election often leads to long and bitter struggles; the minority endeavoring to prevent a choice, and so keep the seat vacant.

The method of choosing the Senate by indirect election has excited the admiration of some foreign critics, who have found in it a sole and sufficient cause of the excellence of the Senate

as a legislative and executive authority. But the election of senators has in substance almost ceased to be indirect. They are still nominally chosen, as under the letter of the Constitution they must be chosen, by the State legislatures. The State legislature means, of course, the party for the time dominant, which holds a party meeting (caucus) and decides on the candidate, who is thereupon elected, the party going solid for whomsoever the majority has approved. Now, the determination of the caucus has almost always been arranged beforehand by the party managers. Sometimes when a vacancy in a senatorship approaches, the aspirants for it put themselves before the people of the State. Their names are discussed at the state party convention held for the nomination of party candidates for State offices, and a vote in that convention decides who shall be the party nominee for the senatorship. This vote binds the party within and without the State legislature, and at the election of members for the State legislature, which immediately precedes the occurrence of the senatorial vacancy, candidates for seats in that legislature are generally expected to declare for which aspirant to the senatorship they will, if elected, give their votes.

Members of the Senate vote as individuals, that is to say, the vote a senator gives is his own and not that of his State. It was otherwise in the Congress of the old Confederation before 1789. At present the two senators from a State may belong to opposite parties; and this often happens in the case of senators from States in which the two great parties are pretty equally balanced, and the majority oscillates between them. This fact has largely contributed to render the senators independent of the State legislatures, for as these latter bodies sit for short terms (the larger of the two houses usually for two years only), a senator has during the greater part of his six years' term to look for reëlection not to the present but to a future State legislature.

The length of the senatorial term was one of the provisions of the Constitution which were most warmly attacked and defended in 1788. A six years' tenure, it was urged, would turn the senators into dangerous aristocrats, forgetful of the legisla-

ture which had appointed them; and some went so far as to demand that the legislature of a State should have the right to recall its senators. Experience has shown that the term is by no means too long; and its length is one among the causes which have made it easier for senators than for members of the House to procure reëlection, a result which has worked well for the country.

The Senate resembles the Upper Houses of Europe, and differs from those of the British colonies, and of most of the States of the Union, in being a permanent body. It does not change all at once, as do bodies created by a single popular election, but undergoes an unceasing process of gradual change and renewal, like a lake into which streams bring fresh water to replace that which the issuing river carries out. This provision was designed to give the Senate that permanency of composition which might qualify it to conduct or control the foreign policy of the nation. An incidental and more valuable result has been the creation of a set of traditions and a corporate spirit which have tended to form habits of dignity and self-respect. Though the balance of power shifts from one party to another according to the predominance in the State legislatures of one or other party, it shifts more slowly than in bodies directly chosen all at once, and a policy is therefore less apt to be suddenly reversed.

The legislative powers of the Senate are, except in one point, the same as those of the House of Representatives. That one point is a restriction as regards money bills. On the ground that it is only by the direct representatives of the people that taxes ought to be levied, and in obvious imitation of the venerable English doctrine, which had already found a place in several State constitutions, the Constitution provides that "All bills for raising revenue shall originate in the House of Representatives, but the Senate may propose or concur with amendments, as on other bills." In practice, while the House strictly guards its right of origination, the Senate largely exerts its power of amendment, and wrangles with the House over taxes, and still more keenly over appropriations. Almost every session ends with a dispute, a conference, a compromise. Among

the rules of the Senate there is none providing for a closure of debate, or limiting the length either of a debate or of a speech. The Senate is proud of having conducted its business without the aid of such regulations, and this has been due, not merely to the small size of the assembly, but to the sense of its dignity which has usually pervaded its members, and to the power which the opinion of the whole body has exercised on each. Formerly systematic obstruction, or, as it is called in America, "filibustering," familiar to the House, was almost unknown in the calmer air of the Senate.

Divisions are taken, not by separating the senators into lobbies and counting them, as in the British Parliament, but by calling the names of senators alphabetically. The Constitution provides that one fifth of those present may demand that the Yeas and Nays be entered in the journal. Every senator answers to his name with Aye or No. He may, however, ask the leave of the Senate to abstain from voting; and if he is paired, he states, when his name is called, that he has paired with such and such another senator, and is then excused.

When the Senate goes into executive session, the galleries are cleared and the doors closed, and the obligation of secrecy is supposed to be enforced by the penalty of expulsion to which a senator, disclosing confidential proceedings, makes himself liable. Practically, however, newspaper men find little difficulty in ascertaining what passes in secret session. The threatened punishment has never been inflicted, and occasions often arise when senators feel it to be desirable that the public should know what their colleagues have been doing.

## CHAPTER VIII

### The Senate as an Executive and Judicial Body

The Senate is not only a legislative but also an executive chamber; in fact, in its early days the executive functions seem to have been thought the more important; and Hamilton went so far as to speak of the national executive authority as divided between two branches, the President and the Senate. These executive functions are two, the power of approving treaties and that of confirming nominations to office submitted by the President.

The Senate through its right of confirming or rejecting engagements with foreign powers, secures a general control over foreign policy. It is in the discretion of the President whether he will communicate current negotiations to it and take its advice upon them, or will say nothing till he lays a completed treaty before it. One or other course is from time to time followed, according to the nature of the case, or the degree of friendliness existing between the President and the majority of the Senate. But in general, the President's best policy is to keep the leaders of the senatorial majority, and in particular the Committee on Foreign Relations, informed of the progress of any pending negotiation. He thus feels the pulse of the Senate, and foresees what kind of arrangement he can induce it to sanction, while at the same time a good understanding between himself and his coadjutors is promoted.

This control of foreign policy by the Senate goes far to meet that terrible difficulty which a democracy, or indeed any free government, finds in dealing with foreign Powers. If every step to be taken must be previously submitted to the governing assembly, the nation is forced to show its whole hand, and precious opportunities of winning an ally or striking a bargain may be lost. If on the other hand the Executive is permitted to conduct negotiations in secret, there is always the risk, either that the governing assembly may disavow what has

been done, a risk which makes foreign states legitimately suspicious and unwilling to negotiate, or that the nation may have to ratify, because it feels bound in honor by the act of its executive agents, arrangements which its judgment condemns. The frequent participation of the Senate in negotiations diminishes these difficulties, because it apprises the Executive of what the judgment of the ratifying body is likely to be, and it commits that body in advance.

The Senate may, and occasionally does, amend a treaty, and return it amended to the President. There is nothing to prevent it from proposing a draft treaty to him, or asking him to prepare one, but this is not the practice. For ratification a vote of two thirds of the senators present is required. This gives great power to a vexatious minority, and increases the danger, evidenced by several incidents in the history of the Union, that the Senate or a faction in it may deal with foreign policy in a narrow, sectional, electioneering spirit. When the interest of any group of States is, or is supposed to be, opposed to the making of a given treaty, that treaty may be defeated by the senators from those States. Supposing their party to command a majority, the treaty is probably rejected, and the settlement of the question at issue perhaps indefinitely postponed.

The judicial function of the Senate is to sit as a High Court for the trial of persons impeached by the House of Representatives. The Chief Justice of the United States presides, and a vote of two thirds of the senators voting is needed for a conviction. The process is applicable to other officials besides the President, including Federal judges.

Rare as this method of proceeding is, it could not be dispensed with, and it is better that the Senate should try cases in which a political element is usually present, than that the impartiality of the Supreme Court should be exposed to the criticism it would have to bear, did political questions come before it.

## CHAPTER IX

### The Senate: Its Working and Influence

The chamber in which the Senate meets is semicircular in form, the Vice-President of the United States, who acts as presiding officer, having his chair on a marble dais, slightly raised, in the center of the chord, with the senators all turned toward him as they sit in concentric semicircles, each in a morocco leather-covered arm-chair, with a desk in front of it. The floor is about as large as the whole superficial area of the British House of Commons, but as there are great galleries on all four sides, running back over the lobbies, the upper part of the chamber and its total air-space much exceeds that of the English House. One of these galleries is appropriated to the President of the United States; the others to ladies, the press, and the public. Behind the senatorial chairs and desks there is an open space into which strangers may be brought by the senators, who sit and talk on the sofas there placed. Members of foreign legislatures are allowed access to this outer "floor of the Senate." There is, especially when the galleries are empty, a slight echo in the room, which obliges most speakers to strain their voices. Two or three pictures on the walls somewhat relieve the cold tone of the chamber, with its marble platform and sides unpierced by windows, for the light enters through glass compartments in the ceiling.

A senator always addresses the Chair "Mr. President," and refers to other senators by their States: "The senator from Ohio," "The senator from Tennessee." When two senators rise at the same moment, the Chair calls on one, indicating him by his State, "The senator from Minnesota has the floor." Senators of the Democratic party sit, and apparently always have sat, on the right of the Chair, Republican senators on the left; but, as already explained, the parties do not face one another. The impression which the place makes on a visitor is one of business-like gravity, a gravity which though plain is

dignified. It has the air not so much of a popular assembly as of a diplomatic congress. The English House of Lords, with its fretted roof and windows rich with the figures of departed kings, its majestic throne, its Lord Chancellor in his wig on the woolsack, its benches of lawn-sleeved bishops, its bar where the Commons throng at a great debate, is not only more gorgeous and picturesque in externals, but appeals far more powerfully to the historical imagination, for it seems to carry the Middle Ages down into the modern world. The Senate is modern, severe, and practical. So, too, few debates in the Senate rise to the level of the better debates in the English chamber. But the Senate seldom wears the air of listless vacuity and superannuated indolence which the House of Lords presents on all but a few nights of every session. The faces are keen and forcible, as of men who have learned to know the world, and have much to do in it; the place seems consecrated to great affairs.

As might be expected from the small number of the audience, as well as from its character, discussions in the Senate are apt to be sensible and practical. Speeches are shorter and less fervid than those made in the House of Representatives, for the larger an assembly the more prone is it to declamation. The least useful debates are those on show-days, when a series of set discourses are delivered on some prominent question, because no one expects such discourses to have any persuasive effect. The question at issue is sure to have been already settled, either in a committee or in a "caucus" of the party which commands the majority, so that these long and sonorous harangues are mere rhetorical thunder addressed to the nation outside.

The Senate contains men of great wealth. Some, an increasing number, are senators because they are rich; a few are rich because they are senators, while in the remaining cases the same talents which have won success in law or commerce have brought their possessor to the top in politics also. The great majority are or have been lawyers; some regularly practice before the Supreme Court. Complaints are occasionally leveled against the aristocratic tendencies which wealth is sup-

posed to have bred, and sarcastic references are made to the sumptuous residences which senators have built on the new avenues of Washington. While admitting that there is more sympathy for the capitalist class among these rich men than there would be in a Senate of poor men, I must add that the Senate is far from being a class body like the upper houses of England or Prussia or Spain or Denmark. It is substantially representative, by its composition as well as by legal delegation, of all parts of American society; it is far too dependent, and far too sensible that it is dependent, upon public opinion, to dream of legislating in the interest of the rich. The senators, however, indulge some social pretensions. They are the nearest approach to an official aristocracy that has yet been seen in America. They and their wives are allowed precedence at private entertainments, as well as on public occasions, over members of the House, and of course over private citizens. Jefferson might turn in his grave if he knew of such an attempt to introduce European distinctions of rank into his democracy; yet as the office is temporary, and the rank vanishes with the office, these pretensions are harmless; it is only the universal social equality of the country that makes them noteworthy. Apart from such petty advantages, the position of a senator, who can count on reëlection, is the most desirable in the political world of America. It gives as much power and influence as a man need desire. It secures for him the ear of the public. It is more permanent than the presidency or any great ministerial office, requires less labor, involves less vexation, though still great vexation, by importunate office-seekers.

The smallness and the permanence of the Senate have an important influence on its character. They contribute to one main cause of its success, the superior intellectual quality of its members. Every European who has described it has dwelt upon the capacity of those who compose it, and most have followed De Tocqueville in attributing this capacity to the method of double election. The choice of senators by the State legislatures is supposed to have proved a better means than direct choice by the people of discovering and selecting the fittest men. I have already remarked that practically the election of

senators has become a popular election, the function of the legislatures being now little more than to register and formally complete a choice already made by the party managers, and perhaps ratified in the party convention. But apart altogether from this recent development, and reviewing the whole hundred years' history of the Senate, the true explanation of its intellectual capacity is to be found in the superior attraction which it has for the ablest and most ambitious men. A senator has more power than a member of the House, more dignity, a longer term of service, a more independent position. Hence every Federal politician aims at a senatorship, and looks on the place of representative as a stepping-stone to what is in this sense an Upper House, that is, the House to which representatives seek to mount. It is no more surprising that the average capacity of the Senate should surpass that of the House, than that the average cabinet minister of Europe should be abler than the average member of the legislature.

European writers on America have been too much inclined to idealize the Senate. Admiring its structure and function, they have assumed that the actors must be worthy of their parts. They have been encouraged in this tendency by the language of many Americans. As the Romans were never tired of repeating that the ambassador of Pyrrhus had called the Roman senate an assembly of kings, so Americans of refinement, who are ashamed of the turbulent House of Representatives, are wont to talk of the Senate as a sort of Olympian dwelling-place of statesmen and sages. It is nothing of the kind. It is a company of shrewd and vigorous men who have fought their way to the front by the ordinary methods of American politics, and on many of whom the battle has left its stains. There are abundant opportunities for intrigue in the Senate, because its most important business is done in the secrecy of committee rooms or of executive session; and many senators are intriguers. There are opportunities for misusing senatorial powers. Scandals have sometimes arisen from the practice of employing as counsel before the Supreme Court senators whose influence has contributed to the appointment or confirmation of the judges. There are opportunities for

corruption and blackmailing, of which unscrupulous men are well known to take advantage. Such men are fortunately few; but considering how demoralized are the legislatures of some States, their presence must be looked for; and the rest of the Senate, however it may blush for them, is obliged to work with them and to treat them as equals. The contagion of political vice is nowhere so swiftly potent as in legislative bodies, because you cannot taboo a man who has a vote. You may loathe him personally, but he is the people's choice and he has a right to share in the government of the country.

As respects ability, the Senate cannot be profitably compared with the English House of Lords, because that assembly consists of some twenty eminent and as many ordinary men, attending regularly, with a multitude of undistinguished persons who, though members, are only occasional visitors, and take no real share in the deliberations. Setting the Senate beside the House of Commons, one may say that the average natural capacity of its members is not above that of an equal number of the best men in the English House. There is more variety of talent in the latter, and a greater breadth of culture. On the other hand, the Senate excels in legal knowledge as well as in practical shrewdness. The House of Commons contains more men who could give a good address on a literary or historical subject, the Senate more who could either deliver a rousing popular harangue or manage the business of a great trading company, these being the forms of capacity commonest among Congressional politicians. The Senate has been and is, on the whole, a steadying and moderating power. One cannot say in the language of European politics that it has represented aristocratic principles, or anti-popular principles, or even conservative principles. Each of the great historic parties has in turn commanded a majority in it, and the difference between their strength has during the last decade been but slight. On none of the great issues that have divided the nation has the Senate been, for any long period, decidedly opposed to the other House of Congress. All the fluctuations of public opinion tell upon it, nor does it venture, any more than the House, to confront a popular impulse, because it is, equally with the House,

subject to the control of the great parties, which seek to use while they obey the dominant sentiment of the hour.

But the fluctuations of opinion tell on it less energetically than on the House of Representatives. They reach it slowly and gradually, owing to the system which renews it by one third every second year, so that it sometimes happens that before the tide has risen to the top of the flood in the Senate it has already begun to ebb in the country. The Senate has been a stouter bulwark against agitation, not merely because a majority of the senators have always four years of membership before them, within which period public feeling may change, but also because the senators have been individually stronger men than the representatives. They are less democratic, not in opinion, but in temper, because they have more self-confidence, because they have more to lose, because experience has taught them how fleeting a thing popular sentiment is, and how useful a thing continuity in policy is. The Senate has therefore usually kept its head better than the House of Representatives. It has expressed more adequately the judgment, as contrasted with the emotion, of the nation. In this sense it does constitute a "check and balance" in the Federal government. Of the three great functions which the Fathers of the Constitution meant it to perform, the first, that of securing the rights of the smaller States, is no longer important, because the extent of State rights has been now well settled; while the second, that of advising or controlling the Executive in appointments as well as in treaties, has given rise to evils almost commensurate with its benefits. But the third duty has been, in the main, well discharged, and "the propensity of a single and numerous assembly to yield to the impulse of sudden and violent passions" is usually restrained.

## CHAPTER X

### The House of Representatives

The House of Representatives, usually called for shortness the House, represents the nation on the basis of population, as the Senate represents the States.

But even in the composition of the House the States play an important part. The Constitution provides that "representatives and direct taxes shall be apportioned among the several States according to their respective numbers," and under this provision Congress allots so many members of the House to each State in proportion to its population at the last preceding decennial census, leaving the State to determine the districts within its own area for and by which the members shall be chosen. These districts are now equal or nearly equal in size; but in laying them out there is ample scope for the process called "gerrymandering," which the dominant party in a State rarely fails to apply for its own advantage. Where a State legislature has failed to redistribute the State into congressional districts, after the State has received an increase of representatives, the additional member or members are elected by the voters of the whole State on a general ticket, and are called "representatives at large." Each district, of course, lies wholly within the limits of one State. When a seat becomes vacant the governor of the State issues a writ for a new election, and when a member desires to resign his seat he does so by letter to the governor.

The original House which met in 1789 contained only sixty-five members, the idea being that there should be one member for every 30,000 persons. As population grew and new States were added, the number of members was increased. Originally Congress fixed the ratio of members to population, and the House accordingly grew; but latterly, fearing a too rapid increase, it has fixed the number of members with no regard for any precise ratio of members to population. Besides the full

members, there are also Territorial delegates, one from each of the Territories, regions in the West enjoying a species of self-government, but not yet formed into States. These delegates sit and speak, but have no right to vote, being unrecognized by the Constitution. They are, in fact, merely persons whom the House under a statute admits to its floor and permits to address it. A majority of members is a quorum of the House.

The electoral franchise on which the House is elected is for each State the same as that by which the members of the more numerous branch of the State legislature are chosen. Originally electoral franchises varied very much in different States: now a suffrage practically all but universal prevails everywhere. A State, however, has a right of limiting the suffrage as it pleases, and many States do exclude persons convicted of crime, paupers, illiterates, etc. By the fifteenth amendment to the Constitution (passed in 1870) "the right of citizens of the United States to vote shall not be denied or abridged by any State on account of race, color, or previous condition of servitude," while by the fourteenth amendment (passed in 1868) "the basis of representation in any State is reduced in respect of any male citizens excluded from the suffrage, save for participation in rebellion or otner crimes." Each State has therefore a strong motive for keeping its suffrage wide, but the fact remains that the franchise by which the Federal legislature is chosen may differ vastly, and does in some points actually differ in different parts of the Union.

Members are elected for two years, and the election always takes place in the even years, 1902, 1904, and so forth. Thus the election of every second Congress coincides with that of a President; and admirers of the Constitution find in this arrangement another of their favorite "checks," because while it gives the incoming President a Congress presumably, though by no means necessarily, of the same political complexion as his own, it enables the people within two years to express their approval or disapproval of his conduct by sending up another House of Representatives which may support or oppose the policy he has followed. The House does not in the regular course of things meet until a year has elapsed from the time when it has

been elected, though the President may convoke it sooner, i.e., a House elected in November, 1902, will not meet till December, 1903, unless the President summons it in "extraordinary session" some time after March, 1903, when the previous House expires. It is a singular result of the present arrangement that the old House continues to sit for nearly four months after the members of the new House have been elected

The expense of an election varies greatly from district to district. Sometimes, especially in great cities where illegitimate expenditure is more frequent and less detectable than in rural districts, it rises to a sum of $10,000 or more: sometimes it is trifling. A candidate, unless very wealthy, is not expected to pay the whole expense out of his own pocket, but is aided often by the local contributions of his friends, sometimes by a subvention from the election funds of the party in the State. All the official expenses, such as for clerks, polling booths, etc., are paid by the public. Bribery is not rare, but elections are seldom impeached on that ground, for the difficulty of proof is increased by the circumstance that the House, which is of course the investigating and deciding authority, does not meet till a year after the election. As a member is elected for two years only, and the investigation would probably drag on during the whole of the first session, it is scarcely worth while to dispute the return for the sake of turning him out for the second session. In some States, drinking-places are closed on the election day.

Among the members of the House there are few young men, and still fewer old men. The immense majority are between forty and sixty. Lawyers abound in the House. Then come men engaged in manufactures or commerce, in agriculture, banking, journalism, etc. No military or naval officer, and no person in the civil service of the United States, can sit. Scarcely any of the great railway men go into Congress, a fact of much significance when one considers that they are really the most powerful people in the country; and of the numerous lawyer members not many are leaders of the bar in their respective States. The reason is the same in both cases. Residence in Washington makes practice at the bar of any of the

great cities impossible, and men in lucrative practice would not generally sacrifice their profession in order to sit in the House, while railway managers or financiers are too much engrossed by their business to be able to undertake the duties of a member The absence of railway men by no means implies the absence of railway influence, for it is as easy for a company to influence legislation from without Congress as from within.

Most members have received their early education in the common schools, but perhaps one half of the whole number has also graduated in a university or a college. A good many, but apparently not the majority, have served in the legislature of their own State. Comparatively few are very wealthy, and few are very poor, while scarcely any were at the time of their election working men. Of course no one could be a working man while he sits, for he would have no time to spare for his trade, and the salary would more than meet his wants. Nothing prevents an artisan from being returned to Congress, but there seems little disposition among the working classes to send one of themselves.

A member of the House enjoys the title of "Honorable," which is given to him not merely within the House (as in England), but in the world at large, as for instance in the addresses of his letters. As he shares it with members of State senates, all the highest officials, both Federal and State, and judges, the distinction is not deemed a high one.

The House has no share in the executive functions of the Senate, nothing to do with confirming appointments or approving treaties. On the other hand, it has the exclusive right of initiating revenue bills and of impeaching officials, features borrowed, through the State constitutions, from the English House of Commons, and of choosing a President in case there should be no absolute majority of presidential electors for any one candidate. This very important power it exercised in 1801 and 1825.

Setting extraordinary sessions aside, every Congress has two sessions, distinguished as the First or Long and the Second or Short. The long session begins in the fall of the year after the election of a Congress, and continues, with a recess at

Christmas, till the July or August following. The short session begins in the December after the July adjournment, and lasts till the fourth of March following. The whole working life of a House is thus from ten to twelve months. Bills do not, as in the English Parliament, expire at the end of each session; they run on from the long session to the short one. All, however, that have not been passed when the fatal fourth of March arrives, perish forthwith, for the session being fixed by statute cannot be extended at pleasure. There is consequently a terrible scramble to get business pushed through in the last week or two of a Congress.

The House usually meets at noon, and sits till four or six o'clock, though toward the close of a session these hours are lengthened. Occasionally when obstruction occurs, or when at the very end of a session messages are going backward and forward between the House, the Senate, and the President, it sits all night long.

An oath or affirmation of fidelity to the Constitution of the United States is (as prescribed by the Constitution) taken by all members; also by the clerk, the sergeant-at-arms, the doorkeeper, and the postmaster.

The sergeant-at-arms is the treasurer of the House, and pays to each member his salary and mileage (traveling expenses). He has the custody of the mace, and the duty of keeping order, which in extreme cases he performs by carrying the mace into a throng of disorderly members. The symbol of authority, which, as in the House of Commons, is moved from its place when the House goes into committee, consists of the Roman *fasces*, in ebony, bound with silver bands in the middle and at the ends, each rod ending in a spear head, at the other end a globe of silver, and on the globe a silver eagle ready for flight. English precedent suggests the mace, but as it could not be surmounted by a crown, Rome has prescribed its design.

The proceedings each day begin with prayers, which are conducted by a chaplain who is appointed by the House, not as in England by the Speaker, and who may, of course, be selected from any religious denomination. Lots are drawn for

seats at the beginning of the session, each member selecting the place he pleases according as his turn arrives. Although the Democrats are mostly to the Speaker's right hand, members do not sit strictly according to party, a circumstance which deprives invective of much of its dramatic effect. One cannot, as in England, point the finger of scorn at "honorable gentlemen opposite." Every member is required to remain uncovered in the House.

A member addresses the Speaker and the Speaker only, and refers to another member not by name but as the "gentleman from Pennsylvania," etc., or as the case may be, without any particular indication of the district which the person referred to represents. A member usually speaks from his seat, but may speak from the clerk's desk or from a spot close to the Speaker's chair.

Divisions were originally (rule of April 17, 1789) taken by going to the right and left of the chair, according to the old practice of the English House of Commons. This having been found inconvenient, a resolution of June 9, 1789, established the present practice, whereby members rise in their seats and are counted in the first instance by the Speaker, but if he is in doubt, or if a count be required by one fifth of a quorum (i.e., by not less than one tenth of the whole House), then by two tellers named by the Speaker, between whom, as they stand in the middle gangway, members pass. If one fifth of a quorum demands a call of yeas and nays, this is taken; the clerk calls the full roll of the House, and each member answers aye or no to his name, or says "no vote." When the whole roll has been called, it is called over a second time to let those vote who have not voted in the first call. Members may now change their votes. Those who have entered the House after their names were passed on the second call cannot vote, but often take the opportunity of rising to say that they would, if then present in the House, have voted for (or against) the motion. All this is set forth in the "Congressional Record," which also contains a list of the members not voting and of the pairs. A process which consumes so much time is an obvious and effective engine of obstruction. It is frequently so used, for it can be

demanded not only on questions of substance, but on motions to adjourn. This is a rule which the House cannot alter, for it rests on an express provision of the Constitution. There is a rule that no one may speak more than once to the same question, unless he be the mover of the motion pending, in which case he is permitted to reply after every member choosing to speak has spoken.

Speeches are limited to one hour, subject to a power to extend this time by unanimous consent, and may, in committee of the whole House, be limited to five minutes. A member is at liberty to give part of his time to other members, and this is in practice constantly done. The member speaking will say: "I yield the floor to the gentleman from Ohio for five minutes," and so on. Thus a member who has once secured the floor has a large control of the debate.

The great remedy against prolix or obstructive debate is the so-called previous question, which is moved in the form, "Shall the main question be now put?" and when ordered closes forthwith all debate, and brings the House to a direct vote on that main question. On the motion for the putting of the main question no debate is allowed; but it does not destroy the right of the member "reporting the measure under consideration" from a committee, to wind up the discussion by his reply. This closure of the debate may be moved by any member without the need of leave from the Speaker, and requires only a bare majority of those present. When directed by the House to be applied in committee, for it cannot be moved after the House has gone into committee, it has the effect of securing five minutes to the mover of any amendment, and five minutes to the member who first "obtains the floor" in opposition to it, permitting no one else to speak. A member in proposing a resolution or motion usually asks at the same time for the previous question upon it, so as to prevent it from being talked out. Closure by previous question is in almost daily use, and is considered essential to the progress of business.

Notwithstanding this powerful engine for expediting business, obstruction, or filibustering, is by no means unknown. It is usually practiced by making repeated motions for the adjourn-

ment of a debate, or for "taking a recess" (suspending the sitting), or for calling the yeas and nays. Between one such motion and another some business must intervene, but as the making of a speech is "business," there is no difficulty in complying with this requirement. No speaking is permitted on these obstructive motions, yet by them time may be wasted for many continuous hours, and if the obstructing minority is a strong one, it usually succeeds, if not in defeating a measure, yet in extorting a compromise. It must be remembered that owing to the provision of the Constitution above mentioned, the House is in this matter not sovereign even over its own procedure. That rules are not adopted, as they might be, which would do more than the present system does to extinguish filibustering, is due partly to this provision, partly to the notion that it is safer to leave some means open by which a minority can make itself disagreeable, and to the belief that adequate checks exist on any gross abuse of such means. These checks are two. One is the fact that filibustering will soon fail unless conducted by nearly the whole of the party which happens to be in a minority, and that so large a section of the House will not be at the trouble of joining in it unless upon some really serious question. The other check is found in the fear of popular disapproval. If the nation sees public business stopped and necessary legislation delayed by factious obstruction, it will visit its displeasure both upon the filibustering leaders individually, and on the whole of the party compromised. However hot party spirit may be, there is always a margin of moderate men in both parties whom the unjustifiable use of legally permissible modes of opposition will alienate. Since such men can make themselves felt at the polls when the next election arrives, respect for their opinion cools the passion of congressional politicians. Thus the general feeling is that as the power of filibustering is in extreme cases a safeguard against abuses of the system of closure by "previous question," so the good sense of the community is in its turn a safeguard against abuses of the opportunities which the rules still leave open.

One subject alone, the subject of revenue, that is to say,

taxation and appropriation, receives genuine discussion by the House at large. And although the "previous question" is often applied to expedite appropriation bills, it is seldom applied till opportunity has been given for the expression of all relevant views.

The number of bills brought into the House every year is very large, averaging over 10,000. It is needless to say that the proportion of bills that pass to bills that fail is a very small one, not one thirtieth. Bills are lost less by direct rejection than by failing to reach their third reading, a mode of extinction which the good-nature of the House, or the unwillingness of its members to administer snubs to one another, would prefer to direct rejection, even were not the want of time a sufficient excuse to the committees for failing to report them. One is told in Washington that few bills are brought in with a view to being passed. They are presented in order to gratify some particular persons or places, and it is well understood in the House that they must not be taken seriously. Sometimes a less pardonable motive exists. The great commercial companies, and especially the railroad companies, are often through their land grants and otherwise brought into relations with the Federal Government. Bills are presented in Congress which purport to withdraw some of the privileges of these companies, or to establish or favor rival enterprises, but whose real object is to levy blackmail on these wealthy bodies, since it is often cheaper for a company to buy off its enemy than to defeat him either by the illegitimate influence of the lobby, or by the strength of its case in open combat. Several great corporations have thus to maintain a permanent staff at Washington for the sake of resisting legislative attacks upon them, some merely extortionate, some intended to win local popularity.

The title and attributions of the Speaker of the House are taken from his famous English original. But the character of the office has greatly altered from that original. The note of the Speaker of the British House of Commons is his impartiality. His duties are limited to the enforcement of the rules and generally to the maintenance of order and decorum in debate, including the selection, when several members rise at the

JAMES BRYCE.

tically determines the action of the House on all questions of moment, and as the chairmanships of the more important committees are the posts of most influence, the disposal of them is a tremendous piece of patronage by which a Speaker can attract support to himself and his own section of the party, reward his friends, give politicians the opportunity of rising to distinction or practically extinguish their congressional career. The Speaker is, of course, far from free in disposing of these places. He has been obliged to secure his own election to the chair by promises to leading members and their friends; and while redeeming such promises, he must also regard the wishes of important groups of men or types of opinion, must compliment particular States by giving a place on good committees to their prominent representatives, must avoid nominations which could alarm particular interests. These conditions surround the exercise of his power with trouble and anxiety. Yet after all it is power, power which in the hands of a capable and ambitious man becomes so far-reaching that it is no exaggeration to call him the second, if not the first political figure in the United States, with an influence upon the fortunes of men and the course of domestic events superior, in ordinary times, to the President's, although shorter in its duration and less patent to the world.

The Speaker's distribution of members among the committees is, next to his own election, the most critical point in the history of a Congress, and that watched with most interest. He devotes himself to it for the fortnight after his installation with an intensity equaling that of a European prime minister constructing a cabinet. The parallel goes further, for as the chairmanships of the chief committees may be compared to the cabinet offices of Europe, so the Speaker is himself a great party leader as well as the president of a deliberative assembly.

Although expected to serve his party in all possible directions, he must not resort to all possible means. Both in the conduct of debate and in the formation of committees a certain measure of fairness to opponents is required from him. He must not palpably wrest the rules of the House to their disadvantage, though he may decide all doubtful points against

them. He must give them a reasonable share of "the floor" (i.e., of debate). He must concede to them proper representation on committees.

The dignity of the Speaker's office is high. He receives a salary of $8,000 a year, which is a large salary for America. In rank he stands next after the Vice-President and on a level with the justices of the Supreme Court.

## CHAPTER XI

### The House at Work

The room in which the House meets is in the south wing of the Capitol, the Senate and the Supreme Court being lodged in the north wing. It is more than thrice as large as the English House of Commons, with a floor about equal in area to that of Westminster Hall, one hundred and thirty-nine feet long by ninety-three feet wide, and thirty-six feet high. Light is admitted through the ceiling. There are on all sides deep galleries running backwards over the lobbies, and capable of holding 2,500 persons. The proportions are so good that it is not till you observe how small a man looks at the farther end, and how faint ordinary voices sound, that you realize its vast size. The seats are arranged in curved concentric rows looking toward the Speaker, whose handsome marble chair is placed on a raised marble platform projecting slightly forward into the room, the clerks and the mace below in front of him, in front of the clerks the official stenographers, to the right the seat of the sergeant-at-arms. Each member has a revolving arm-chair, with a roomy desk in front of it, where he writes and keeps his papers. Behind these chairs runs a railing, and behind the railing is an open space into which strangers may be brought, where sofas stand against the wall, and where smoking is practiced, even by strangers, though the rules forbid it.

When you enter, your first impression is of noise and turmoil. The raising and dropping of desk lids, the scratching

of pens, the clapping of hands to call the pages, keen little boys who race along the gangways, the pattering of many feet, the hum of talking on the floor, and in the galleries, make up a din over which the speaker with the sharp taps of his hammer, or the orators straining shrill throats, find it hard to make themselves audible. Nor is it only the noise that gives the impression of disorder. Often three or four members are on their feet at once, each shouting to catch the Speaker's attention. Less favorable conditions for oratory cannot be imagined. "Speaking in the House," says an American writer, "is like trying to address the people in the Broadway omnibuses from the curbstone in front of the Astor House. . . . Men of fine intellect and of good ordinary elocution have exclaimed in despair that in the House of Representatives the mere physical effort to be heard uses up all the powers, so that intellectual action becomes impossible. The natural refuge is in written speeches or in habitual silence, which one dreads more and more to break." In the House of Representatives a set speech upon any subject of importance tends to become not an exposition or an argument, but a piece of elaborate and high-flown declamation. Its author is often wise enough to send direct to the reporters what he has written out, having read aloud a small part of it in the House. When it has been printed *in extenso* in the Congressional Record (leave to get this done being readily obtained), he has copies struck off and distributes them among his constituents. Thus everybody is pleased and time is saved.

Most of the practical work is done in the standing committees, while much of the time of the House is consumed in pointless discussions, where member after member delivers himself upon large questions, not likely to be brought to a definite issue. Many of the speeches thus called forth have a value as repertories of facts, but the debate as a whole is unprofitable and languid. On the other hand, the five-minute debates which take place, when the House imposes that limit of time, in Committee of the Whole on the consideration of a bill reported from a standing committee, are often lively, pointed, and effective. The topics which excite most interest and are best dis-

cussed are those of taxation and the appropriation of money, more particularly to public works, the improvement of rivers and harbors, erection of Federal buildings, and so forth.

That the majority of the House may be and often is opposed to the President and his cabinet, does not strike Americans as odd, because they proceed on the theory that the legislative ought to be distinct from the executive authority. Since no minister sits, there is no official representative of the party which for the time being holds the reins of the executive government. Neither is there any unofficial representative. So far as the majority has a chief, that chief is the Speaker, who has been chosen by them as their ablest and most influential man; but the chairman of the most important committee, that of Ways and Means, enjoys a sort of eminence, and comes nearer than any one else to the position of leader of the House. The minority do not formally choose a leader, nor is there usually any one among them whose career marks him out as practically the first man, but the person whom they have put forward as their party candidate for the Speakership, giving him what is called "the complimentary nomination," has a sort of vague claim to be so regarded. This honor amounts to very little.

There is a fundamental difference between the conception of the respective positions and duties of a representative body and of the nation at large entertained by Americans, and the conception which has hitherto prevailed in Europe. Europeans have thought of a legislature as belonging to the governing class. In America there is no such class. Europeans think that the legislature ought to consist of the best men in the country, Americans that it should be a fair average sample of the country. Europeans think that it ought to lead the nation, Americans that it ought to follow the nation.

I have spoken of the din of the House of Representatives, of its air of restlessness and confusion, contrasting with the staid gravity of the Senate, of the absence of dignity both in its proceedings and in the bearing and aspect of individual members. All these things notwithstanding, there is something impressive about it, something not unworthy of the continent for which it legislates.

This huge gray hall, filled with perpetual clamor, this multitude of keen and eager faces, this ceaseless coming and going of many feet, this irreverent public, watching from the galleries and forcing its way on to the floor, all speak to the beholder's mind of the mighty democracy, destined in another century to form one half of civilized mankind, whose affairs are here debated. If the men are not great, the interests and the issues are vast and fateful. Here, as so often in America, one thinks rather of the future than of the present. Of what tremendous struggles may not this hall become the theater in ages yet far distant, when the parliaments of Europe have shrunk to insignificance?

## CHAPTER XII

### The Committees of Congress

The members of every standing committee of the House are nominated by the Speaker at the beginning of each Congress, and sit through its two sessions; those of a select committee also by the Speaker, after the committee has been ordered by the House. In pursuance of the rule that the member first named shall be chairman, the Speaker has also the selection of all the chairmen.

To some one of these standing committees each and every bill is referred. Its second as well as its first reading is granted as of course, and without debate, since there would be no time to discuss the immense number of bills presented. When read a second time it is referred under the general rules to a committee; but doubts often arise as to which is the appropriate committee, because a bill may deal with a subject common to two or more jurisdictions, or include topics some of which belong to one jurisdiction, others to another. The disputes which may in such cases arise between several committees lead to keen debates and divisions, because the fate of the measure may depend on which of two possible paths it is made to take, since the one may bring it before a tribunal of friends, the other before a tribunal of enemies. Such disputes are determined by the vote of the House itself.

Not having been discussed, much less affirmed in principle, by the House, a bill comes before its committee with no presumption in its favor, but rather as a shivering ghost stands before Minos in the nether world. It is one of many, and for the most a sad fate is reserved. The committee may take evidence regarding it, may hear its friends and its opponents. They usually do hear the member who has introduced it, since it seldom happens that he has himself a seat on the committee. Members who are interested approach the committee and state their case there, not in the House, because they know that the House will have neither time nor inclination to listen. The committee can amend the bill as they please, and although they cannot formally extinguish it, they can practically do so by reporting adversely, or by delaying to report it till late in the session, or by not reporting it at all.

In one or other of these ways nineteen twentieths of the bills introduced meet their death, a death which the majority doubtless deserve, and the prospect of which tends to make members reckless as regards both the form and the substance of their proposals. A motion may be made in the House that the committee do report forthwith, and the House can of course restore the bill, when reported, to its original form. But these expedients rarely succeed, for few are the measures which excite sufficient interest to induce an impatient and overburdened assembly to take additional work upon its own shoulders or to overrule the decision of a committee.

The deliberations of committees are usually secret. Evidence is frequently taken with open doors, but the newspapers do not report it, unless the matter excite public interest; and even the decisions arrived at are often noticed in the briefest way. It is out of order to canvass the proceedings of a committee in the House until they have been formally reported to it, and the report submitted does not usually state how the members have voted, or contain more than a very curt outline of what has passed. No member speaking in the House is entitled to reveal anything further.

A committee have technically no right to initiate a bill, but as they can either transform one referred to them, or, if none

has been referred which touches the subject they seek to deal with, can procure one to be brought in and referred to them, their command of their own province is unbounded. Hence the character of all the measures that may be passed or even considered by the House upon a particular branch of legislation depends on the composition of the committee concerned with that branch. Some committees, such as those on naval and military affairs, and those on the expenditure of the several departments, deal with administration rather than legislation. They have power to summon the officials of the departments before them, and to interrogate them as to their methods and conduct. Authority they have none, for officials are responsible only to their chief, the President; but the power of questioning is sufficient to check if not to guide the action of a department, since imperative statutes may follow, and the department, sometimes desiring legislation and always desiring money, has strong motives for keeping on good terms with those who control legislation and the purse. It is through these committees chiefly that the executive and legislative branches of government touch one another. Yet the contact, although the most important thing in a government, is the thing which the nation least notices, and has the scantiest means of watching.

The scrutiny to which the administrative committees subject the departments is so close and constant as to occupy much of the time of the officials and seriously interfere with their duties. Not only are they often summoned to give evidence: they are required to furnish minute reports on matters which a member of Congress could ascertain for himself. Nevertheless the House committees are not certain to detect abuses or peculation, for special committees of the Senate have repeatedly unearthed dark doings which had passed unsuspected the ordeal of a House investigation. After a bill has been debated and amended by the committee it is reported back to the House, and is taken up when that committee is called in its order. One hour is allowed to the member whom his fellow committee-men have appointed to report. He seldom uses the whole of this hour, but allots part of it to other members, opponents as well as friends, and usually concludes by moving the

previous question. This precludes subsequent amendments and leaves only an hour before the vote is taken. As on an average each committee (excluding the two or three great ones) has only two hours out of the whole ten months of Congress allotted to it to present and have discussed all its bills, it is plain that few measures can be considered, and each but shortly, in the House. The best chance of pressing one through is under the rule which permits the suspension of standing orders by a two-thirds majority during the last six days of the session.

On the whole, it may be said that under this system the House despatches a vast amount of work, and does the negative part of it, the killing off of worthless bills, in a thorough way. Were the committees abolished and no other organization substituted, the work could not be done. But much of it, including most of the private bills, ought not to come before Congress at all; and the more important part of what remains, viz., public legislation, is dealt with by methods securing neither the pressing forward of the measures most needed, nor the due debate of those that are pressed forward.

"The Acts passed," say the Americans, "may not be the best possible; the legislation of the year may resemble a patchwork quilt, where each piece is different in color and texture from the rest. But as we do not need much legislation, and as nearly the whole field of ordinary private law lies outside the province of Congress, the mischief is slighter than you expect. If we made legislation easier, we might have too much of it; and in trying to give it more definite character we might make it too bold and sweeping. Be our present system bad or good, it is the only system possible under our Constitution, and the fact that it was not directly created by that instrument, but has been evolved by the experience of a hundred years, shows how strong must be the tendencies whose natural working has produced it."

## CHAPTER XIII

### Congressional Legislation

The Congressional legislative system is really a plan for legislating by a number of commissions. Each commission, receiving suggestions in the shape of bills, taking evidence upon them, and sifting them in debate, frames its measures and lays them before the House in a shape which seems designed to make amendment in details needless, while leaving the general policy to be accepted or rejected by a simple vote of the whole body. In this last respect the plan may be compared with that of the Romans during the Republic, whose general assembly of the people approved or disapproved of a bill as a whole, without power of amendment, a plan which had the advantage of making laws clear and simple. At Rome, however, bills could be proposed only by a magistrate upon his official responsibility; they were therefore comparatively few and sure to be carefully drawn. The members of American legislative commissions have no special training, no official experience, little praise or blame to look for, and no means of securing that the overburdened House will ever come to a vote on their proposals. There is no more agreement between the views of one commission and another than what may result from the majority in both belonging to the same party. Hence, as Woodrow Wilson observes in his "Congressional Goverment," "The legislation of a session does not represent the policy of either the majority or the minority: it is simply an aggregate of the bills recommended by committees composed of members from both sides of the House, and it is known to be usually not the work of the majority men upon the committees, but compromise conclusions bearing some shade or tinge of each of the variously colored opinions and wishes of the committee men of both parties. Most of the measures which originate with the committees are framed with a view of securing their easy passage by giving them as neutral and

inoffensive a character as is possible. The manifest object is to draw them to the liking of all factions. Hence neither the failure nor the success of any policy inaugurated by one of the committees can fairly be charged to the account of either party."

Add the fact that the House in its few months of life has not time to deal with one twentieth of the bills which are thrown upon it, that it therefore drops the enormous majority unconsidered, though some of the best may be in this majority, and passes many of those which it does pass by a suspension of the rules which leaves everything to a single vote, and the marvel comes to be, not that legislation is faulty, but that an intensely practical people tolerates such defective machinery. Some reasons may be suggested tending to explain this phenomenon.

Legislation is a difficult business in all free countries, and perhaps more difficult the more free the country is, because the discordant voices are more numerous and less under control. America has sometimes sacrificed practical convenience to her dislike to authority.

The Americans surpass all other nations in their power of making the best of bad conditions, getting the largest results out of scanty materials or rough methods. Many things in that country work better than they ought to work, so to speak, or could work in any other country, because the people are shrewdly alert in minimizing such mischiefs as arise from their own haste or heedlessness, and have a great capacity for self-help.

Aware that they have this gift, the Americans are content to leave their political machinery unreformed. Persons who propose comprehensive reforms are suspected as theorists and crotchet-mongers. The national inventiveness, active in the spheres of mechanics and money-making, spends little of its force on the details of governmental methods.

The want of legislation on topics where legislation is needed breeds fewer evils than would follow in countries like England or France where Parliament is the only law-making body. The powers of Congress are limited to comparatively few subjects:

its failures do not touch the general well-being of the people, nor the healthy administration of the ordinary law.

The faults of bills passed by the House are often cured by the Senate, where discussion is more leisurely and thorough. The committee system produces in that body also some of the same flabbiness and colorlessness in bills passed. But the blunders, whether in substance or of form, of the one chamber are frequently corrected by the other, and many bad bills fail owing to a division of opinion between the Houses.

The President's veto kills off some vicious measures. He does not trouble himself about defects of form; but where a bill seems to him opposed to sound policy, it is his constitutional duty to disapprove it, and to throw on Congress the responsibility of passing it "over his veto" by a two-thirds vote. A good President accepts this responsibility.

## CHAPTER XIV

### Congressional Finance

No legislature devotes a larger proportion of its time than does Congress to the consideration of financial bills. These are of two kinds: those which raise revenue by taxation, and those which direct the application of the public funds to the various expenses of the government. At present Congress raises all the revenue it requires by indirect taxation, and chiefly by duties of customs and excise; so taxing bills are practically tariff bills, the excise duties being comparatively little varied from year to year.

The Secretary of the Treasury sends annually to Congress a report containing a statement of the national income and expenditure and of the condition of the public debt, together with remarks on the system of taxation and suggestions for its improvement. He also sends what is called his Annual Letter, enclosing the estimates, framed by the various departments, of the sums needed for the public services of the United States during the coming year. So far the Secretary is like a Euro-

pean finance minister, except that he communicates with the chamber on paper instead of making his statement and proposals orally. But here the resemblance stops. Everything that remains in the way of financial legislation is done solely by Congress and its committees, the Executive having no further hand in the matter.

The business of raising money belongs to one committee only, the standing committee of Ways and Means, consisting of eleven members. This committee prepares and reports to the House the bills needed for imposing or continuing the various customs duties, excise duties, etc. The report of the Secretary has been referred by the House to this committee, but the latter does not necessarily base its bills upon or in any way regard that report. Neither does it in preparing them start from an estimate of the sums needed to support the public service. It does not, because it cannot: for it does not know what grants for the public service will be proposed by the spending committees, since the estimates submitted in the Secretary's letter furnish no trustworthy basis for a guess. It does not, for the further reason that the primary object of customs duties has for many years past been not the raising of revenue, but the protection of American industries by subjecting foreign products to a very high tariff.

When the revenue bills come to be debated in committee of the whole House, similar causes prevent them from being scrutinized from the purely financial point of view. Debate turns on these items of the tariff which involve gain or loss to influential groups. Little inquiry is made as to the amount needed and the adaptation of the bills to produce that amount and no more. It is the same with ways and means bills in the Senate. Communications need not pass between the committees of either House and the Treasury. The person most responsible, the person who most nearly corresponds to an English Chancellor of the Exchequer, or a French Minister of Finance, is the chairman of the House committee of Ways and Means. But he stands in no official relation to the Treasury, and is not required to exchange a word or a letter with its staff. Neither, of course, can he count on a majority in the House.

The business of spending money belongs primarily to two standing committees, the old committee on Appropriations and the new committee on Rivers and Harbors, created in 1883. The committee on Appropriations starts from, but does not adopt, the estimates sent in by the Secretary of the Treasury, for the appropriation bills it prepares usually make large and often reckless reductions in these estimates.

Every revenue bill must, of course, come before the House; and the House, whatever else it may neglect, never neglects the discussion of taxation and money grants. These are discussed as fully as the pressure of work permits, and are often added to by the insertion of fresh items, which members interested in getting money voted for a particular purpose or locality suggest. These bills then go to the Senate, which forthwith refers them to its committees. The Senate committee on finance deals with revenue-raising bills; the committee on appropiations with supply bills. Both sets then come before the whole Senate. Although it cannot initiate appropriation bills, the Senate has long ago made good its claim to amend them, and does so without stint, adding new items and often greatly raising the total of the grants. When the bills go back to the House, the House usually rejects the amendments; the Senate adheres to them, and a conference committee is appointed, consisting of three senators and three members of the House, by which a compromise is settled, hastily and in secret, and accepted, usually in the last days of the session, by a hard-pressed but reluctant House. Even as enlarged by this committee, the supply voted is usually found inadequate, so a deficiency bill is introduced in the following session, including a second series of grants to the departments.

There is practically no connection between the policy of revenue raising and the policy of revenue spending, for these are left to different committees whose views may be opposed, and the majority in the House has no recognized leaders to remark the discrepancies or make one or other view prevail. There is no relation between the amount proposed to be spent in any one year, and the amount proposed to be raised.

The knowledge and experience of the permanent officials

either as regards the productivity of taxes, and the incidental benefits or losses attending their collection, or as regards the nature of various kinds of expenditure and their comparative utility, can be turned to account only by interrogating these officials before the committees.

Under the system of congressional finance here described America wastes millions annually. But her wealth is so great, her revenue so elastic, that she is not sensible of the loss. She has the glorious privilege of youth, the privilege of committing errors without suffering from their consequences.

## CHAPTER XV

### The Relations of the Two Houses

The creation by the Constitution of 1789 of two chambers in the United States, in place of the one chamber which existed under the Confederation, has been usually ascribed by Europeans to mere imitation of England. There were, however, better reasons than deference to English precedents to justify the division of Congress into two houses and no more. Not to dwell upon the fact that there were two chambers in all but two of the thirteen original States, the Convention of 1787 had two solid motives for fixing on this number, a motive of principle and theory, a motive of immediate expediency.

The chief advantage of dividing a legislature into two branches is that the one may check the haste and correct the mistakes of the other. This advantage is purchased at the price of some delay, and of the weakness which results from a splitting up of authority. If a legislature be constituted of three or more branches, the advantage is scarcely increased, the delay and weakness are immensely aggravated. Two chambers can be made to work together in a way almost impossible to more than two.

To these considerations there was added the practical ground that the division of Congress into two houses supplied a means of settling the dispute which raged between the small

and the large States. The latter contended for a representation of the States in Congress proportioned to their respective populations, the former for their equal representation as sovereign commonwealths. Both were satisfied by the plan which created two chambers, in one of which the former principle, in the other of which the latter principle, was recognized. The country remained a federation in respect of the Senate, it became a nation in respect of the House: there was no occasion for a third chamber.

The respective characters of the two bodies are wholly unlike those of the so-called upper and lower chambers of Europe. Both equally represent the people, the whole people, and nothing but the people. Both have been formed by the same social influences. Both are possessed by the same ideas, governed by the same sentiments, equally conscious of their dependence on public opinion. The one has never been, like the English House of Commons, a popular pet, the other never, like the English House of Lords, a popular bugbear.

The two branches of Congress have not exhibited that contrast of feeling and policy which might be expected from the different methods by which they are chosen. In the House the large States are predominant: ten out of forty-five (less than one fourth) return an absolute majority of the representatives. In the Senate these same ten States have only twenty members out of ninety, less than a fourth of the whole. In other words, these ten States are more than sixteen times as powerful in the House as they are in the Senate. But as the House has never been the organ of the large States, nor prone to act in their interest, so neither has the Senate been the stronghold of the small States, for American politics have never turned upon an antagonism between these two sets of commonwealths.

The faults of the House are mainly due, not to want of talent among individuals, but to its defective methods, and especially to the absence of leadership. The merits of the Senate are largely due to the fact that it trains to higher efficiency the ability which it has drawn from the House, and gives that ability a sphere in which it can develop with better

results. Were the Senate and the House thrown into one, the country would lose more by losing the Senate than it would gain by improving the House, for the united body would have the qualities of the House and not those of the Senate.

Collisions between the two Houses are frequent. Each is jealous and combative. Each is prone to alter the bills that come from the other; and the Senate in particular knocks about remorselessly those favorite children of the House, the appropriation bills. The fact that one House has passed a bill goes but a little way in inducing the other to pass it; the Senate would reject twenty House bills as readily as one. Deadlocks, however, disagreements over serious issues which stop the machinery of administration, are not common. The country knows that either House would yield were it unmistakably condemned by public opinion. The executive government goes on undisturbed, and the worst that can happen is the loss of a bill which may be passed four months later. Even as between the two bodies there is no great bitterness in these conflicts, because the causes of quarrel do not lie deep.

This substantial identity of character in the Senate and the House explains the fact that two perfectly co-ordinate authorities, neither of which has any more right than its rival to claim to speak for the whole nation, manage to get along together. The two bodies are not hostile elements in the nation, striving for supremacy, but servants of the same master, whose word of rebuke will quiet them.

The United States is the only great country in which the two Houses are really equal and coördinate. Such a system could hardly work, and therefore could not last, if the Executive were the creature of either or of both, nor unless both were in close touch with the sovereign people.

When each chamber persists in its own view, the regular proceeding is to appoint a committee of conference, consisting of three members of the Senate and three of the House. These six meet in secret, and usually settle matters by a compromise, which enables each side to retire with honor.

In a contest the Senate usually, though not invariably, gets the better of the House. It is smaller, and can therefore more

easily keep its majority together; its members are more experienced; and it has the great advantage of being permanent, whereas the House is a transient body. The Senate can hold out, because if it does not get its way at once against the House, it may do so when a new House comes up to Washington. The House cannot afford to wait, because the hour of its own dissolution is at hand. Besides, while the House does not know the Senate from inside, the Senate, many of whose members have sat in the House, knows all the "ins and outs" of its rival, can gauge its strength and play upon its weakness.

## CHAPTER XVI

### General Observations on Congress

After this inquiry into the composition and working of each branch of Congress, it remains to make some observations which apply to both Houses, and which may tend to indicate the features that distinguish them from the representative assemblies of Europe. Congress is not like the Parliaments of England, France, and Italy, a sovereign assembly, but is subject to the Constitution, which only the people can change. It neither appoints nor dismisses the executive government, which springs directly from popular election. Its sphere of legislative action is limited by the existence of governments in the several States, whose authority is just as well based as its own, and cannot be curtailed by it.

I. The choice of members of Congress is locally limited by law and by custom. Under the Constitution every representative and every senator must when elected be an inhabitant of the State whence he is elected. Moreover, State law has in many, and custom practically in all, States established that a representative must be resident in the congressional district which elects him. The only exceptions to this practice occur in large cities where occasionally a man is chosen who lives in a different district of the city from that which returns him. In what are we to seek the causes of this restriction?

First. In the existence of States, originally separate political communities, still for many purposes independent, and accustomed to consider the inhabitant of another State as almost a foreigner. A New Yorker, Pennsylvanians would say, owes allegiance to New York; he cannot feel and think as a citizen of Pennsylvania, and cannot therefore properly represent Pennsylvanian interests. This sentiment has spread by a sort of sympathy, this reasoning has been applied by a sort of analogy, to the counties, the cities, the electoral districts of the State itself. State feeling has fostered local feeling.

Second. Much of the interest felt in the proceedings of Congress relates to the raising and spending of money. Changes in the tariff may affect the industries of a locality; or a locality may petition for an appropriation of public funds to some local public work, the making of a harbor, or the improvement of the navigation of a river. In both cases it is thought that no one but an inhabitant can duly comprehend the needs or zealously advocate the demands of a neighborhood.

Third. Inasmuch as no high qualities of statesmanship are expected from a congressman, a district would think it a slur to be told that it ought to look beyond its own borders for a representative; and as the post is a paid one, the people feel that a good thing ought to be kept for one of themselves rather than thrown away on a stranger. It is by local political work, organizing, canvassing, and haranguing, that a party is kept going; and this work must be rewarded.

So far as the restriction to residents in a State is concerned it is intelligible. The senator was—to some extent is still—a sort of ambassador from his State. He is chosen by the legislature or collective authority of his State. He cannot well be a citizen of one State and represent another. Even a representative in the House from one State who lived in another might be perplexed by a divided allegiance, though there are groups of States, such as those of the Northwest, whose great industrial interests are substantially the same.

II. Every senator and representative receives a salary at present fixed at $5,000 per annum, besides an allowance (called mileage) of twenty cents per mile for traveling expenses to

and from Washington, and $125 for stationery. The salary is looked upon as a matter of course. It was not introduced for the sake of enabling working men to be returned as members, but on the general theory that all public work ought to be paid for. The reasons for it are stronger than in England or France, because the distance to Washington from most parts of the United States is so great, and the attendance required there so continuous, that a man cannot attend to his profession or business while sitting in Congress. If he loses his livelihood in serving the community, the community ought to compensate him, not to add that the class of persons whose private means put them above the need of a lucrative calling, or of compensation for interrupting it, is comparatively small even now, and hardly existed when the Constitution was framed.

III. A congressman's tenure of his place is usually short. Senators are sometimes returned for two, three, or even four successive terms by the legislatures of their States, although it may befall even the best of them to be thrown out by a change in the balance of parties, or by the intrigues of an opponent. But a member of the House can seldom feel safe in the saddle. If he is so eminent as to be necessary to his party, or if he maintains intimate relations with the leading local wire-pullers of his district, he may in the Eastern, Middle, and Southern States hold his ground for three or four Congresses, i.e., for six or eight years. Very few do more than this. So far from its being, as in England, a reason for reëlecting a man that he has been a member already, it is a reason for passing him by, and giving somebody else a turn. Rotation in office, dear to the Democrats of Jefferson's school a century ago, still charms the less educated, who see in it a recognition of equality, and have no sense of the value of special knowledge or training. They like it for the same reason that the democrats of Athens liked the choice of magistrates by lot. It is a recognition and application of equality. An ambitious congressman is therefore forced to think day and night of his re-nomination, and to secure it not only by procuring, if he can, grants from the Federal treasury for local purposes, and places for the relatives and friends of the local wire-pullers who control the nominat-

ing conventions, but also by sedulously "nursing" the constituency during the vacations. No habit could more effectually discourage noble ambition or check the growth of a class of accomplished statesmen.

IV. The last-mentioned evil is aggravated by the short duration of a Congress. Short as it seems, the two years' term was warmly opposed, when the Constitution was framed, as being too long. The constitutions of the several States, framed when they shook off the supremacy of the British Crown, all fixed one year, except the ultra-democratic Connecticut and Rhode Island, where under the colonial charters a legislature met every six months, and South Carolina, which had fixed two years. So essential to republicanism was this principle deemed, that the maxim "where annual elections end tyranny begins" had passed into a proverb; and the authors of the Federalist were obliged to argue that the limited authority of Congress, watched by the Executive on one side, and the State legislatures on the other, would prevent so long a period as two years from proving dangerous to liberty, while it was needed in order to enable the members to master the laws and understand the conditions of different parts of the Union. At present the two years' term is justified on the ground that it furnishes a proper check on the President. It is also felt that these frequent elections are necessary to keep up popular interest in current politics.

V. The numbers of the two American houses seem small to a European when compared on the one hand with the population of the country, on the other with the practice of European States. The Americans, however, doubt whether both their Houses have not already become too large. They began with twenty-six in the Senate, sixty-five in the House, numbers then censured as too small, but which worked well, and gave less encouragement to idle talk and vain display than the crowded halls of to-day. The inclination of wise men is to stop further increase when the number of four hundred has been reached, for they perceive that the House already suffers from disorganization, and fear that a much larger one would prove unmanageable.

VI. American congressmen are more assiduous in their attendance than the members of most European legislatures. The great majority not only remain steadily at Washington through the session, but are usually to be found in the Capitol, often in their Chamber itself, while a sitting lasts. There is therefore comparatively little trouble in making a quorum. The requirement of a high quorum, which is prescribed in the Constitution, has doubtless helped to secure a good attendance.

A division in Congress has not the importance it has in the House of Commons. There it may throw out the ministry. In Congress it never does more than affirm or negative some particular bill or resolution. Even a division in the Senate which involves the rejection of a treaty or of an appointment to some great office, does not disturb the tenure of the Executive. Hence it is not essential to the majority that its full strength should be always at hand, nor has a minority party any great prize set before it as the result of a successful vote.

Questions, however, arise in which some large party interest is involved. There may be a bill by which the party means to carry out its main views of policy, or perhaps to curry favor with the people, or a resolution whereby it hopes to damage a hostile Executive. In such cases it is important to bring up every vote. The process of "going into caucus" is the regular American substitute for recognized leadership, and has the advantage of seeming more consistent with democratic equality, because every member of the party has in theory equal weight in the party meeting. It is used whenever a line of policy has to be settled, or the whole party to be rallied for a particular party division. But of course it cannot be employed every day or for every bill. Hence, when no party meeting has issued its orders, a member is free to vote as he pleases, or rather as he thinks his constituents please. The House caucus is more or less called into action according to the number and gravity of the party issues that come before Congress. In troublous times it has to be supplemented by something like obedience to regular leaders. The Senate is rather more jealous of the equality of all its members. No senator can be said to have any authority beyond that of exceptional talent and experience;

and of course a senatorial caucus, since it rarely consists of more than fifty persons, is a better working body than a House caucus, which may reach two hundred.

The House of Representatives is for the purpose of serious party issues fully as much a party body as the House of Commons. A member voting against his party on such an issue is more certain to forfeit his party reputation and his seat than is an English member. This is true of both the Senate and the House. But for the purpose of ordinary questions, of issues not involving party fortunes, a representative is less bound by party ties than an English member, because he has neither leaders to guide him by their speeches nor whips by their private instructions. The apparent gain is that a wider field is left for independent judgment on non-partisan questions. The real loss is that legislation becomes weak and inconsistent.

The spirit of party may seem to be weaker in Congress than in the people at large. But this is only because the questions which the people decide at the polls are always questions of choice between candidates for office. These are definite questions, questions eminently of a party character, because candidates represent in the America of to-day not principles but parties. Whenever a vote upon persons occurs in Congress, Congress gives a strict party vote. Were the people to vote at the polls on matters not explicitly comprised within a party platform, there would be the same uncertainty as Congress displays. The habit of joint action which makes the life of a party is equally intense in every part of the American system. But in England the existence of a Ministry and Opposition in Parliament sweeps within the circle of party action many topics which in America are left outside, and therefore Congress seems, but is not, less permeated than Parliament by party spirit.

## CHAPTER XVII

### The Relations of Congress to the President

So far as they are legislative bodies, the House and the Senate have similar powers and stand in the same relation to the Executive. Although the Constitution forbids any Federal official to be chosen a member of either the House or the Senate, there is nothing in it to prevent officials from speaking there; as indeed there is nothing to prevent either House from assigning places and the right to speak to any one whom it chooses. Now, however, no Federal officer appears on the floor. A committee may request the attendance of a minister and examine him, but he appears before it only as a witness to answer questions, not to state and argue his own case. There is therefore little direct intercourse between Congress and the administration, and no sense of interdependence and community of action such as exists in other parliamentary countries.

The President himself, although he has been voted into office by his party, is not necessarily its leader, nor even one among its most prominent leaders. The expression of his wishes conveyed in a message has not necessarily any more effect on Congress than an article in a prominent party newspaper. No duty lies on Congress to take up a subject to which he has called attention as needing legislation. The President and his Cabinet have no recognized spokesman in either House. A particular senator or representative may be in confidential communication with them, and be the instrument through whom they seek to act; but he would probably disavow rather than claim the position of an exponent of ministerial wishes. When the President or a minister is attacked in Congress, it is not the duty of any one there to justify his conduct. The accused official may send a written defense or may induce a member to state his case; but this method lacks the advantages of the European parliamentary system, under which the person assailed repels in debate the various charges, showing

himself not afraid to answer fresh questions and grapple with new points. Thus by its exclusion from Congress the executive is deprived of the power of leading and guiding the legislature and of justifying in debate its administrative acts.

Either House of Congress, or both Houses jointly, can pass resolutions calling on the President or his ministers to take certain steps, or censuring steps they have already taken. The President need not obey such resolutions, need not even notice them. They do not shorten his term or limit his discretion. If the resolution be one censuring a minister, or demanding his dismissal, there is another ground on which the President may disregard it. The act is in law not the minister's act, but that of the President himself, and he does not therefore escape responsibility by throwing over his adviser.

Either House of Congress can direct a committee to summon and examine a minister, who, though he might legally refuse to attend, never does refuse. The committee, when it has got him, can do nothing more than question him. He may evade their questions, may put them off the scent by dexterous concealments. He may with impunity tell them that he means to take his own course. To his own master, the President, he standeth or falleth.

Congress may refuse to the President the legislation he requests, and thus, by mortifying and embarrassing him, may seek to compel his compliance with its wishes. It is only a timid President, or a President greatly bent on accomplishing some end for which legislation is needed, who will be moved by such tactics.

Congress can pass bills requiring the President or any minister to do or abstain from doing certain acts of a kind hitherto left to his free will and judgment,—may, in fact, endeavor to tie down the officials by prescribing certain conduct for them in great detail. The President will presumably veto such bills, as contrary to sound administrative policy. If, however, he signs them, or if Congress passes them by a two-thirds vote in both Houses over his veto, the further question may arise whether they are within the constitutional powers of Congress, or are invalid as unduly trenching on the discretion

which the Constitution leaves to the President. If he (or a minister), alleging them to be unconstitutional, disobeys them, the only means of deciding whether he is right is by getting the point before the Supreme Court as an issue of law in some legal proceeding. This cannot always be done. If it is done, and the court decide against the President, then if he still refuses to obey, nothing remains but to impeach him.

Impeachment is the heaviest piece of artillery in the Congressional arsenal, but because it is so heavy it is unfit for ordinary use. Since 1789 it has been used only once against a President, and then, although that President (Andrew Johnson) had for two years constantly, and with great intemperance of language, so defied and resisted Congress that the whole machinery of government had been severely strained by the collision of the two authorities, yet the Senate did not convict him, because no single offense had been clearly made out. Thus impeachment does not tend to secure, and indeed was never meant to secure, the coöperation of the Executive with Congress.

It accordingly appears that Congress cannot compel the dismissal of any official. It may investigate his conduct by a committee and so try to drive him to resign. It may request the President to dismiss him, but if his master stands by him and he sticks to his place, nothing more can be done. He may of course be impeached, but one does not impeach for mere incompetence or laxity, as one does not use steam hammers to crack nuts. Thus, while Congress may examine the servants of the public to any extent, may censure them, may lay down rules for their guidance, it cannot get rid of them.

There remains the power which in free countries has been long regarded as the citadel of parliamentary supremacy, the power of the purse. Congress has the sole right of raising money and appropriating it to the service of the State. Its management of national finance is significantly illustrative of the plan which separates the legislative from the Executive. When Congress has endeavored to coerce the President by the use of its money powers, the case being one in which it could not attack him by ordinary legislation (either because such

legislation would be unconstitutional, or for want of a two-thirds majority), it has proceeded not by refusing appropriations altogether, as the English House of Commons would do in like circumstances, but by attaching what is called a "rider" to an appropriation bill. In 1867 Congress used this device against President Johnson, with whom it was then at open war, by attaching to an army appropriation bill a clause which virtually deprived the President of the command of the army, entrusting its management to the general highest in command (General Grant). The President yielded, knowing that if he refused the bill would be carried over his veto by a two-thirds vote; and a usage already mischievous was confirmed. In 1879, the majority in Congress attempted to overcome, by the same weapon, the resistance of President Hayes to certain measures affecting the South which they desired to pass. They tacked these measures to three appropriation bills, army, legislative, and judiciary. The minority in both Houses fought hard against the riders, but were beaten. The President vetoed all three bills, and Congress was obliged to pass them without the riders. Next session the struggle recommenced in the same form, and the President, by rejecting the money bills, again compelled Congress to drop the tacked provisions. This victory, which was of course due to the fact that the dominant party in Congress could not command a two-thirds majority, was deemed to have settled the question as between the Executive and the legislature, and may have permanently discouraged the latter from recurring to the same tactics.

## CHAPTER XVIII

### The Legislature and the Executive

The fundamental characteristic of the American national government is its separation of the legislative, executive, and judicial departments. In Europe, as well as in America, men are accustomed to talk of legislation and administration as distinct. But a consideration of their nature will show that it is not easy to separate these two departments in theory by analysis, and still less easy to keep them apart in practice.

Wherever the will of the people prevails, the legislature, since it either is or represents the people, can make itself omnipotent, unless checked by the action of the people themselves. It can do this in two ways. It may, like the republics of antiquity, issue decrees for particular cases as they arise, giving constant commands to all its agents, who thus become mere servants with no discretion left them. Or it may frame its laws with such particularity as to provide by anticipation for the greatest possible number of imaginable cases, in this way also so binding down its officials as to leave them no volition, no real authority. Every legislature tends so to enlarge its powers as to encroach on the Executive; and it has great advantages for so doing, because a succeeding legislature rarely consents to strike off any fetter its predecessor has imposed.

The founders of the American Constitution were terribly afraid of a strong Executive, and desired to reserve the final and decisive voice to the legislature, as representing the people. It was urged in the Philadelphia Convention of 1787 that the Executive ought to be appointed by and made accountable to the legislature, as being the supreme power in the national government. This was overruled, because the majority of the Convention was fearful of "democratic haste and instability," fearful that the legislature would, in any event, become too powerful, and therefore anxious to build up some counter authority to

check and balance it. By making the President independent, and keeping him and his ministers apart from the legislature, the Convention thought they were strengthening him, as well as protecting it from attempts on his part to corrupt it. They were also weakening him. He lost the initiative in legislation which the English Executive enjoys. He had not the English King's power of dissolving the legislature and throwing himself upon the country. Thus the executive magistrate seemed left at the mercy of the legislature.

Although the Convention may not have realized how helpless such a so-called Executive must be, they felt the danger of encroachments by an ambitious legislature, and resolved to strengthen him against it. This was done by giving the President a veto which it requires a two-thirds vote of Congress to override. In doing this they went back on their previous action. They had separated the President and his ministers from Congress. They now bestowed on him legislative functions, though in a different form. He became a distinct branch of the legislature, but for negative purposes only. He could not propose, but he could refuse. Thus the Executive was strengthened, not as an Executive, but by being made a part of the legislature; and the legislature, already weakened by being divided into two co-equal houses, was further weakened by finding itself liable to be arrested in any new departure on which two thirds of both Houses were not agreed.

When the two Houses are of one mind, and the party hostile to the President has a two-thirds majority in both, the Executive is almost powerless. It may be right that he should be powerless, because such majorities in both Houses presumably indicate a vast preponderance of popular opinion against him. The fact to be emphasized is, that in this case all "balance of powers" is gone. The legislature has swallowed up the Executive, in virtue of the principle from which this discussion started, viz., that the Executive is in free States only an agent who may be limited by such express and minute commands as to have no volition left him.

The strength of Congress consists in the right to pass statutes; the strength of the President in his right to veto

them. But foreign affairs, as we have seen, cannot be brought within the scope of statutes. How, then, was the American legislature to deal with them? The initiative in foreign policy and the conduct of negotiation were left to the President, but the right of declaring war was reserved to Congress, and that of making treaties to one, the smaller and more experienced, branch of the legislature. A measure of authority was thus suffered to fall back to the Executive which would have served to raise materially his position had foreign questions played as large a part in American politics as they have in French or English.

The President is commander-in-chief of the army, but the numbers and organization of the army are fixed by statute. The President makes appointments, but the Senate has the right of rejecting them, and Congress may pass acts specifying the qualifications of appointees, and reducing the salary of any official except the President himself and the judges. The real strength of the Executive therefore, the rampart from behind which it can resist the aggressions of the legislature, is in ordinary times the veto power. In other words, it survives, as an executive, in virtue not of any properly executive function, but of the share in legislative functions which it has received; it holds its ground by force, not of its separation from the legislature, but of its participation in a right properly belonging to the legislature.

An authority which depends on a veto capable of being overruled by a two-thirds majority may seem frail. But the Executive has some independence. He is strong for defense, if not for attack. Congress can, except within that narrow sphere which the Constitution has absolutely reserved to him, baffle the President, can interrogate, check, and worry his ministers. But it can neither drive him the way it wishes him to go, nor dismiss them for disobedience or incompetence.

An individual man has some great advantages in combating an assembly. His counsels are less distracted. His secrets are better kept. He may sow discord among his antagonists. He can strike a more sudden blow. But in a struggle extending over a long course of years an assembly has advantages

over a succession of officers, especially of elected officers. Men come and go, but an assembly goes on forever; it is immortal, because while the members change, the policy, the passion for extending its authority, the tenacity in clinging to what has once been gained, remain persistent. A weak magistrate comes after a strong magistrate, and yields what his predecessor had fought for; but an assembly holds all it has ever won. Thus Congress has succeeded in occupying nearly all the ground which the Constitution left debatable between the President and itself; and would, did it possess a better internal organization, be even more plainly than it now is the supreme power in the government.

# THE AMERICAN SYSTEM OF GOVERNMENT

## The Courts and the Constitution

### CHAPTER I

#### The Federal Courts

WHEN in 1788 the loosely confederated States of North America united themselves into a nation, national tribunals were felt to be a necessary part of the national government. Under the Confederation there had existed no means of enforcing the treaties made or orders issued by the Congress, because the courts of the several States owed no duty to that feeble body, and had little will to aid it. Now that a Federal legislature had been established, whose laws were to bind directly the individual citizen, a Federal judicature was evidently needed to interpret and apply these laws, and to compel obedience to them. State courts were not fitted to deal with matters of a quasi-international character, such as admiralty jurisdiction and rights arising under treaties. They supplied no means for deciding questions between different States. They could not be trusted to do complete justice between their own citizens and those of another State. Being authorities coordinate with, and independent of, one another, with no common court of appeal placed over them to correct their errors or harmonize their views, they would be likely to interpret the Federal constitution and statutes in different senses, and make the law uncertain by the variety of their decisions. These reasons pointed imperatively to the establishment of a new tribunal or

set of tribunals, altogether detached from the States, as part of the machinery of the new government. Side by side of the thirteen (now forty-five) different sets of State courts, whose jurisdiction under State laws and between their own citizens was left untouched, there arose a new and complex system of Federal courts. The Constitution drew the outlines of the system. Congress perfected it by statutes; and as the details rest upon these statutes, Congress retains the power of altering them. Few American institutions are better worth studying than this intricate judicial machinery: few deserve more admiration for the smoothness of their working: few have more contributed to the peace and well-being of the country.

The Federal courts fall into three classes:—

The Supreme Court, which sits at Washington.

The Circuit courts.

The District courts.

The Supreme Court is directly created by the Constitution, but with no provision as to the number of its judges. Originally there were six; at present there are nine, a Chief Justice, with a salary of $10,500, and eight associate justices (salary $10,000). The justices are nominated by the President and confirmed by the Senate. They hold office during good behavior, i.e., they are removable only by impeachment. The Fathers of the Constitution were extremely anxious to secure the independence of their judiciary, regarding it as a bulwark both for the people and for the States against aggressions of either Congress or the President. They affirmed the life tenure by an unanimous vote in the Convention of 1787, because they deemed the risk of the continuance in office of an incompetent judge a less evil than the subserviency of all judges to the legislature, which might flow from a tenure dependent on legislative will. The result has justified their expectations. The judges have shown themselves independent of Congress and of party, yet the security of their position has rarely tempted them to breaches of judicial duty. Impeachment has been four times resorted to, once only against a justice of the Supreme Court, and then unsuccessfully.

The Supreme Court sits at Washington from October till

July in every year. The presence of six judges is required to pronounce a decision, a rule which, by preventing the division of the court into two or more branches, retards the dispatch of business, though it has the advantage of securing a thorough consideration of every case. The sittings are held in the Capitol, in the chamber formerly occupied by the Senate, and the justices wear black gowns. Every case is discussed by the whole body twice over, once to ascertain the opinion of the majority, which is then directed to be set forth in a written judgment; then again when that written judgment, which one of the judges has prepared, is submitted for criticism and adoption as the judgment of the court.

The Circuit Courts have been created by Congress under a power in the Constitution to establish "inferior courts." There are at present nine judicial circuits, in which courts are held annually. Each of these has two Circuit judges (salary $6,000), and to each there is also allotted one of the justices of the Supreme Court. The Circuit Court may be held either by the Circuit judge alone, or by the Supreme Court Circuit justice alone, or by both together, or by either sitting along with the District judge (hereafter mentioned) of the district wherein the particular Circuit Court is held, or by the District judge alone. [By a statute of 1891, Circuit Courts of Appeals were established. Cases may be brought to these from District or Circuit Courts, as also certain cases to the Supreme Court, to which likewise, in specified cases, direct appeal may be brought from the District or Circuit Courts.] An appeal lies from the Circuit Court to the Supreme Court, except in certain cases where the amount in dispute is small.

The District Courts are the third and lowest class of Federal tribunals. They are at present fifty-five in number, and their judges receive salaries of $5,000 per annum. The Constitution does not expressly state whether they and the Circuit judges are to be appointed by the President and Senate like the members of the Supreme Court; but it has always been assumed that such was its intention, and the appointments are so made accordingly.

For the purpose of dealing with the claims of private per-

sons against the Federal government there has been established in Washington a special tribunal called the Court of Claims, with five justices (salary $4,500), from which an appeal lies direct to the Supreme Court.

The jurisdiction of the Federal courts extends to the following classes of cases. All other cases have been left to the State courts, from which there does not lie (save as hereinafter specified) any appeal to the Federal courts.

1. "Cases in law and equity arising under the Constitution, the laws of the United States and treaties made under their authority."

In order to enforce the supremacy of the national Constitution and laws over all State laws, it was necessary to place the former under the guardianship of the national judiciary. This provision accordingly brings before a Federal court every cause in which either party to a suit relies upon any Federal enactment. It entitles a plaintiff who bases his case on a Federal statute to bring his action in a Federal court: it entitles a defendant who rests his defense on a Federal enactment to have the action, if originally brought in a State court, removed to a Federal court. But, of course, if the action has originally been brought in a State court, there is no reason for removing it unless the authority of the Federal enactment can be supposed to be questioned. Accordingly, the rule laid down by the Judiciary Act (1789) provides "for the removal to the Supreme Court of the United States of the final judgment or decree in any suit, rendered in the highest court of law or equity of a State in which a decision could be had, in which is drawn in question the validity of a treaty or statute of, or authority exercised under, the United States, and the decision is against their validity; or where is drawn in question the validity of a statute of, or an authority exercised under, any State, on the ground of their being repugnant to the Constitution, treaties, or laws of the United States, and the decision is in favor of their validity; or where any title, right, privilege, or immunity is claimed under the Constitution, or any treaty or statute of a commission held or authority exercised under the United States, and the decision is against the title, right,

privilege, or immunity specially set up or claimed by either party under such Constitution, treaty, statute, commission, or authority. But to authorize the removal under that act, it must appear by the record, either expressly or by clear and necessary intendment, that some one of the enumerated questions did arise in the State court, and was there passed upon. It is not sufficient that it might have arisen or been applicable. And if the decision of the State court is in favor of the right, title, privilege, or exemption so claimed, the Judiciary Act does not authorize such removal, neither does it where the validity of the State law is drawn in question, and the decision of the State court is against its validity."

The rule seems intricate, but the motive for it and the working of it are plain. Where in any legal proceeding a Federal enactment has to be construed or applied by a State court, if the latter supports the Federal enactment, i.e., considers it to govern the case, and applies it accordingly, the supremacy of Federal law is thereby recognized and admitted. There is therefore no reason for removing the case to a Federal tribunal. Such a tribunal could do no more to vindicate Federal authority than the State court has already done. But if the decision of the State court has been against the applicability of the Federal law, it is only fair that the party who suffers by the decision should be entitled to Federal determination of the point, and he has accordingly an absolute right to carry it before the Supreme Court.

The principle of this rule is applied even to executive acts of the Federal authorities. If, for instance, a person has been arrested by a Federal officer, a State court has no jurisdiction to release him on a writ of *habeas corpus*, or otherwise to inquire into the lawfulness of his detention by Federal authority, because, as was said by Chief Justice Taney, "The powers of the general government and of the State, although both exist and are exercised within the same territorial limits, are yet separate and distinct sovereignties, acting separately and independently of each other, within their respective spheres. And the sphere of action appropriated to the United States is as far beyond the reach of the judicial process issued by a State court

as if the line of division was traced by landmarks and monuments visible to the eye."

2. "Cases affecting ambassadors, other public ministers, and consuls."

As these persons have an international character, it would be improper to allow them to be dealt with by a State court which has nothing to do with the national government, and for whose learning and respectability there may exist no such securities as those that surround the Federal courts.

3. "Cases of admiralty and maritime jurisdiction."

These are deemed to include not only prize cases but all maritime contracts, and all transactions relating to navigation, as well on the navigable lakes and rivers of the United States as on the high seas.

4. "Controversies to which the United States shall be a party."

This provision is obviously needed to protect the United States from being obliged to sue or be sued in a State court, to whose decision the national government could not be expected to submit. When a pecuniary claim is sought to be established against the Federal government, the proper tribunal is the Court of Claims.

5. "Controversies between two or more States, between a State and citizens of another State, between citizens of different States, between citizens of the same State claiming lands under grants of different States, and between a State, or the citizens thereof, and foreign States, citizens, or subjects."

In all these cases a State court is likely to be, or at any rate to seem, a partial tribunal, and it is therefore desirable to vest the jurisdiction in judges equally unconnected with the plaintiff and the defendant. By securing recourse to an unbiased and competent tribunal, the citizens of every State obtain better commercial facilities than they could otherwise count upon, for their credit will stand higher with persons belonging to other States if the latter know that their legal rights are under the protection, not of local and possibly prejudiced judges, but of magistrates named by the national government, and unamenable to local influences.

One important part of the jurisdiction here conveyed has been subsequently withdrawn from the Federal judicature. When the Constitution was submitted to the people, a principal objection urged against it was that it exposed a State, although a sovereign commonwealth, to be sued by the individual citizens of some other State. That one State should sue another was perhaps necessary, for what other way could be discovered of terminating disputes? But the power as well as the dignity of a State would be gone if it could be dragged into court by a private plaintiff. An amendment (the eleventh) to the Constitution was passed through Congress and duly accepted by the requisite majority of the States, which declares that "the judicial power of the United States shall not be construed to extend to any suit commenced or prosecuted against one of the United States by citizens of another State or by citizens or subjects of any foreign State." Under the protection of this amendment, not a few States have with impunity repudiated their debts.

The jurisdiction of the Supreme Court is original in cases affecting ambassadors, and wherever a State is a party; in other cases it is appellate; that is, cases may be brought to it from the inferior Federal courts and (under the circumstances before mentioned) from State courts. The jurisdiction is in some matters exclusive, in others concurrent with that of the State courts. The State courts cannot be invested by Congress with any jurisdiction, for Congress has no authority over them, and is not permitted by the Constitution to delegate any judicial powers to them. Hence the jurisdiction of a State court, wherever it is concurrent with that of Federal judges, is a jurisdiction which the court possesses of its own right, independent of the Constitution.

The criminal jurisdiction of the Federal courts, which extends to all offenses against Federal law, is purely statutory. "The United States, as such, can have no common law. It derives its powers from the grant of the people made by the Constitution, and they are all to be found in the written law, and not elsewhere." The procedure of the Federal courts is prescribed by Congress, subject to some few rules contained in the Con-

stitution, such as those which preserve the right of trial by jury in criminal cases and suits at common law.

The law applied in the Federal courts is of course, first and foremost, that enacted by the Federal legislature, which, when it is applicable, prevails against any State law. In administering the law of any State the Federal courts ought to follow the decisions of the State courts, treating those decisions as the highest authority on the law of the particular State. This doctrine is so fully applied that the Supreme Court has even overruled its own previous determinations on a point of State law in order to bring itself into agreement with the view of the highest court of the particular State. Needless to say, the State courts follow the decisions of the Federal courts upon questions of Federal law.

For the execution of its powers each Federal court has attached to it an officer called the United States Marshal, corresponding to the sheriff in the State governments, whose duty it is to carry out its writs, judgments, and orders by arresting prisoners, levying execution, putting persons in possession, and so forth. He is entitled, if resisted, to call on all good citizens for help; if they will not or cannot render it, he must refer to Washington and obtain the aid of Federal troops. There exists also in every judiciary district a Federal public prosecutor, called the United States District Attorney, who institutes proceedings against persons transgressing Federal laws or evading the discharge of obligations to the Federal treasury. Both sets of officials are under the direction of the Attorney-General, as head of the department of justice. They constitute a network of Federal authorities covering the whole territory of the Union, and independent of the officers of the State courts and of the public prosecutors who represent the State governments. Where a State maintains a jail for the reception of Federal prisoners, the United States Marshal delivers his prisoners to the State jailer; where this provision is wanting, he must himself arrange for their custody.

The system is extremely complex. Under it every yard of ground in the Union is covered by two jurisdictions, with two sets of judges and two sets of officers, responsible to differ-

ent superiors, their spheres of action divided only by an ideal line, and their action liable in practice to clash. But the system works, and now, after a hundred years of experience, works smoothly, and it leads to few conflicts or heart-burnings, because the key to all difficulties is found in the principle that wherever Federal law is applicable Federal law must prevail, and that every suitor who contends that Federal law is applicable is entitled to have the point determined by a Federal court. The enforcement of the law, especially the criminal law, in some parts of America leaves much to be desired; but the difficulties which arise are now due not to conflicts between State and Federal pretensions but to other tendencies equally hostile to both authorities.

## CHAPTER II

### Comparison of the American and European Systems

From their colonial experience, coupled with their notions of the British Constitution, the men of 1787 drew three conclusions: First, that the vesting of the executive and the legislative powers in different hands was the normal and natural feature of a free government. Second, that the power of the Executive was dangerous to liberty, and must be kept within well-defined boundaries. Third, that in order to check the head of the State it was necessary not only to define his powers, and appoint him for a limited period, but also to destroy his opportunities of influencing the legislature. They deemed that in this way they had rendered their legislature pure, independent, vigilant, the servant of the people, the foe of arbitrary power. Thus it was believed in 1787 that a due balance had been arrived at, the independence of Congress being secured on the one side and the independence of the President on the other. Each power holding the other in check, the people, jealous of their hardly-won liberties, would be courted by each, and safe from the encroachments of either.

There was of course the risk that controversies as to their

respective rights and powers would arise between these two departments. But the creation of a court entitled to place an authoritative interpretation upon the Constitution in which the supreme will of the people was expressed, provided a remedy available in many, if not in all, of such cases, and a security for the faithful observance of the Constitution which England did not, and under her system of an omnipotent Parliament could not, possess.

"They builded better than they knew." They divided the legislature from the executive so completely as to make each not only independent, but weak even in its own proper sphere. Entrenched behind the ramparts of a rigid Constitution, the President has retained rights of which his prototype, the English King, has been gradually stripped. Congress on the other hand was weakened, as compared with the British Parliament, in which one House has become dominant, by its division into two co-equal Houses, whose disagreement paralyzes legislative action. And it lost that direct control over the Executive which the presence of ministers in the legislature, and their dependence upon a majority of the popular House, give to the Parliaments of Britain and her colonies. It has diverged widely from the English original which it seemed likely, with only a slight difference, to reproduce.

The British House of Commons has grown to the stature of a supreme executive as well as legislative council, acting not only by its properly legislative power, but through its right to displace ministers by a resolution of want of confidence, and to compel the sovereign to employ such servants as it approves. Congress remains a pure legislature, unable to displace a minister, unable to choose the agents by whom its laws are to be carried out, and having hitherto failed to develop that internal organization which a large assembly needs in order to frame and successfully pursue definite schemes of policy. Nevertheless, so far-reaching is the power of legislation, Congress has encroached, and may encroach still farther, upon the sphere of the Executive. It encroaches not merely with a conscious purpose, but because the law of its being has forced it to create in its committees bodies whose expansion necessarily presses on

the Executive. It encroaches because it is restless, unwearied, always drawn by the progress of events into new fields of labor.

These observations may suffice to show why the Fathers of the Constitution did not adopt the English parliamentary or Cabinet system. They could not adopt it because they did not know of its existence. They did not know of it because it was still immature, because Englishmen themselves had not understood it, because the recognized authorities did not mention it. But as the idea never presented itself, we cannot say that it was rejected, nor cite the course they took as an expression of their judgment against the system under which England and her colonies have so far prospered.

It is worth while to compare the form which a constitutional struggle takes under the Cabinet system and under that of America.

In England, if the executive ministry displeases the House of Commons, the House passes an adverse vote. The ministry have their choice to resign or to dissolve Parliament. If they resign, a new ministry is appointed from the party which has proved itself strongest in the House of Commons; and co-operation being restored between the legislature and the executive, public business proceeds. If, on the other hand, the ministry dissolve Parliament, a new Parliament is sent up which, if favorable to the existing cabinet, keeps them in office; if unfavorable, dismisses them forthwith. Accord is in either case restored. Should the difference arise between the House of Lords and a ministry supported by the House of Commons, and the former persist in rejecting a bill which the Commons send up, a dissolution is the constitutional remedy; and if the newly-elected House of Commons reasserts the view of its predecessor, the Lords, according to the now recognized constitutional practice, yield at once. Should they, however, still stand out, there remains the extreme expedient, threatened in 1832, but never yet resorted to, of a creation by the sovereign (i.e., the ministry) of new peers sufficient to turn the balance of votes in the Upper House. Practically the ultimate decision always rests with the people, that is to say, with the party

which for the moment commands a majority of electoral votes. This method of cutting knots applies to all differences that can arise between executive and legislature. It is a swift and effective method; in this swiftness and effectiveness lie its dangers as well as its merits.

In America a dispute between the President and Congress may arise over an executive act or over a bill. If over an executive act, an appointment or a treaty, one branch of Congress, the Senate, can check the President, that is, can prevent him from doing what he wishes, but cannot make him do what they wish. If over a bill which the President has returned to Congress unsigned, the two Houses can, by a two-thirds majority, pass it over his veto, and so end the quarrel; though the carrying out of the bill in its details must be left to him and his ministers, whose dislike of it may render them unwilling and therefore unsuitable agents. Should there not be a two-thirds majority, the bill drops; and however important the question may be, however essential to the country some prompt dealing with it, either in the sense desired by the majority of Congress or in that preferred by the President, nothing can be done till the current term of Congress expires. The matter is then remitted to the people. If the President has still two more years in office, the people may signify their approval of his policy by electing a House in political agreement with him, or disapprove it by reëlecting a hostile House. If the election of a new President coincides with that of the new House, the people have a second means provided of expressing their judgment. They may choose not only a House of the same or an opposite complexion to the last, but a President of the same or an opposite complexion. Anyhow, they can now establish accord between one House of Congress and the Executive. The Senate, however, may still remain opposed to the President, and may not be brought into harmony with him until a sufficient time has elapsed for the majority in it to be changed by the choice of new senators by the State legislatures. This is a slower method than that of Great Britain. It may fail in a crisis needing immediate action; but it escapes the danger of a hurried and perhaps irrevocable decision.

There exists between England and the United States a difference which is full of interest. In England the legislative branch has become supreme, and it is considered by Englishmen a merit in their system that the practical executive of the country is directly responsible to the House of Commons. In the United States, however, not only in the national government, but in every one of the States, the exactly opposite theory is proceeded upon—that the executive should be wholly independent of the legislative branch. Americans understand that this scheme involves a loss of power and efficiency, but they believe that it makes greatly for safety in a popular government. They expect the Executive and the legislature to work together as well as they can, and public opinion does usually compel a degree of coöperation and efficiency which perhaps could not be expected theoretically. It is an interesting commentary on the tendencies of democratic government, that in America reliance is coming to be placed more and more, in the nation, in the State, and in the city, upon the veto of the Executive as a protection to the community against the legislative branch. Weak Executives frequently do harm, but a strong Executive has rarely abused popular confidence. On the other hand, instances where the Executive, by the use of his veto power, has arrested mischiefs due to the action of the legislature, are by no means rare. This circumstance leads some Americans to believe that the day is not far distant when in England some sort of veto power, or other constitutional safeguard, must be interposed to protect the people against their Parliament.

When one party possesses a large majority in Congress it can overpower the President, taking from him all but a few strictly reserved functions, such as those of pardoning, of making promotions in the army and navy, and of negotiating (not of concluding treaties, for these require the assent of the Senate) with foreign states. Where parties are pretty equally divided, i.e., when the majority is one way in the Senate, the other way in the House, or when there is only a small majority against the President in both Houses, the President is in so far free that new fetters cannot be laid upon him; but he must

move under those which previous legislation has imposed, and can take no step for which new legislation is needed.

It is another and a remarkable consequence of the absence of cabinet government in America, that there is also no party government in the European sense. Party government in France, Italy, and England means, that one set of men, united, or professing to be united, by holding one set of opinions, have obtained control of the whole machinery of government, and are working it in conformity with those opinions. Their majority in the country is represented by a majority in the legislature, and to this majority the ministry of necessity belongs. The ministry is the supreme committee of the party, and controls all the foreign as well as domestic affairs of the nation, because the majority is deemed to be the nation. It is otherwise in America. Men do, no doubt, talk of one party as being "in power," meaning thereby the party to which the then President belongs. But they do so because that party enjoys the spoils of office, in which to so many politicians the value of power consists. They do so also because in the early days the party which prevailed in the legislative usually prevailed also in the executive department, and because the presidential election was, and still is, the main struggle which proclaimed the predominance of one or other party.

But the Americans, when they speak of the administration party as the party in power, have, in borrowing an English phrase, applied it to utterly different facts. Their "party in power" need have no power beyond that of securing places for its adherents. It may be in a minority in one House of Congress, in which event it accomplishes nothing, but can at most merely arrest adverse legislation, or in a small minority in both Houses of Congress, in which event it must submit to see many things done which it dislikes. And if its enemies control the Senate, even its executive arm is paralyzed. Though party feeling has generally been stronger in America than in England, and even now covers a larger proportion of the voters, and enforces a stricter discipline, party government is distinctly weaker.

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We are now in a position to sum up the practical results of the system which purports to separate Congress from the Executive, instead of uniting them as they are united under a cabinet government. These results are five:—

The President and his ministers have no initiative in Congress, little influence over Congress, except what they can exert upon individual members, through the bestowal of patronage.

Congress has, together with unlimited powers of inquiry, imperfect powers of control over the administrative departments.

The nation does not always know how or where to fix responsibility for misfeasance or neglect. The person and bodies concerned in making and executing the laws are so related to one another that each can generally shift the burden of blame on some one else, and no one acts under the full sense of direct accountability.

There is a loss of force by friction — i.e., part of the energy, force, and time of the men and bodies that make up the government is dissipated in struggles with one another. This belongs to all free governments, because all free governments rely upon checks. But the more checks, the more friction.

There is a risk that executive vigor and promptitude may be found wanting at critical moments.

We may include these defects in one general expression. There is in the American Government, considered as a whole, a want of unity. Its branches are unconnected; their efforts are not directed to one aim, do not produce one harmonious result.

A President can do little, for he does not lead either Congress or the nation. Congress cannot guide or stimulate the President, nor replace him by a man fitter for the emergency. The Cabinet neither receives a policy from Congress nor gives one to it. Each power in the State goes it own way, or wastes precious moments in discussing which way it shall go, and that which comes to pass seems to be a result not of the action of the legal organs of the State, but of some larger

force which at one time uses their discord as its means, at another neglects them altogether. This at least is the impression which the history of the greatest problem and greatest struggle that America has seen, the struggle of the slaveholders against the Free Soil and Union Party, culminating in the War of the Rebellion, makes upon one who looking back on its events sees them all as parts of one drama. The carefully devised machinery of the Constitution did little to solve that problem or avert that struggle. The nation asserted itself at last, but not till this machinery had failed to furnish a peaceful means of trying the real strength of the parties, so as to give the victory to one or to settle a compromise between them.

This want of unity is painfully felt in a crisis. When a sudden crisis comes upon a free State, the Executive needs two things, a large command of money and powers in excess of those allowed at ordinary times. Under the European system the duty of meeting such a crisis is felt to devolve as much on the Representative Chamber as on the ministers who are its agents. The Chamber is therefore at once appealed to for supplies, and for such legislation as the occasion demands. When these have been given, the ministry moves on with the weight of the people behind it; and as it is accustomed to work at all times with the Chamber, and the Chamber with it, the piston plays smoothly and quickly in the cylinder. In America the President has at ordinary times little to do with Congress, while Congress is unaccustomed to deal with executive questions. Its machinery, and especially the absence of ministerial leaders and consequent want of organization, unfit it for promptly confronting practical troubles. It is apt to be sparing of supplies, and of that confidence which doubles the value of supplies. Jealousies of the Executive, which are proper in quiet times and natural toward those with whom Congress has little direct intercourse, may now be perilous, yet how is Congress to trust persons not members of its own body nor directly amenable to its control? When dangers thicken the only device may be the Roman one of a temporary dictatorship. Something like this happened in the War of Secession, for the powers then conferred upon President Lincoln, or exercised

without congressional censure by him, were almost as much in excess of those enjoyed under the ordinary law as the authority of a Roman dictator exceeded that of a Roman consul. Fortunately the habits of legality, which lie deep in the American as they did in the Roman people, reasserted themselves after the war was over, as they were wont to do at Rome in her earlier and better days. When the squall had passed the ship righted, and she has pursued her subsequent course on as even a keel as before.

The defects of the tools are the glory of the workman. The more completely self-acting is the machine, the smaller is the intelligence needed to work it; the more liable it is to derangement, so much greater must be the skill and care applied by one who tends it. The English Constitution, which we admire as a masterpiece of delicate equipoises and complicated mechanism, would anywhere but in England be full of difficulties and dangers. It stands and prospers in virtue of the traditions that still live among English statesmen and the reverence that has ruled English citizens. It works by a body of understandings which no writer can formulate, and of habits which centuries have been needed to instill. So, the American people have a practical aptitude for politics, a clearness of vision and capacity for self-control never equaled by any other nation. In 1861 they brushed aside their darling legalities, allowed the Executive to exert novel powers, passed lightly laws whose constitutionality remains doubtful, raised an enormous army, and contracted a prodigious debt. Romans could not have been more energetic in their sense of civic duty, nor more trustful to their magistrates. When the emergency had passed away the torrent which had overspread the plain fell back at once into its safe and well-worn channel. The reign of legality returned; and only four years after the power of the Executive had reached its highest point in the hands of President Lincoln, it was reduced to its lowest point in those of President Johnson. Such a people can work any Constitution. The danger for them is that this reliance on their skill and their star may make them heedless of the faults of their political machinery, slow to devise improvements which are best applied in quiet times.

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The manuscript in which these illustrations occur is now in the library of Winddon Hall, County of Bucks, England.

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## CHAPTER III

### The Amendment of the Constitution

The men who sat in the Convention of 1787 were not sanguine enough, like some of the legislating sages of antiquity, or like such imperial codifiers as the Emperor Justinian, to suppose that their work could stand unaltered for all time to come. They provided that "Congress, whenever two thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution, or on the application of the legislatures of two thirds of the several States, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes as part of this Constitution when ratified by the legislatures of three fourths of the several States, or by conventions in three fourths thereof, as the one or the other mode may be prescribed by Congress."

There are therefore two methods of framing and proposing amendments.

(A) Congress may itself, by a two-thirds vote in each House, prepare and propose amendments.

(B) The legislatures of two thirds of the States may require Congress to summon a Constitutional Convention. Congress shall thereupon do so, having no option to refuse; and the Convention when called shall draft and submit amendments. No provision is made as to the election and composition of the Convention, matters which would therefore appear to be left to the discretion of Congress.

There are also two methods of enacting amendments framed and proposed in either of the foregoing ways. It is left to Congress to prescribe one or other method as Congress may think fit.

(X) The legislatures of three fourths of the States may ratify any amendments submitted to them.

(Y) Conventions may be called in the several States, and three fourths of these conventions may ratify.

On all the occasions on which the amending power has been exercised, method A has been employed for proposing and method X for ratifying—i.e., no drafting conventions of the whole Union or ratifying conventions in the several States have ever been summoned. The preference of the action of Congress and the State legislatures may be ascribed to the fact that it has never been desired to remodel the whole Constitution, but only to make changes or additions on special points. Moreover, the procedure by National and State conventions might be slower, and would involve controversy over the method of electing those bodies. The consent of the President is not required to a constitutional amendment. A two-thirds majority in Congress can override his veto of a bill, and at least that majority is needed to bring a constitutional amendment before the people.

There is only one provision of the Constitution which cannot be changed by this process. It is that which secures to each and every State equal representation in one branch of the legislature. "No State without its consent shall be deprived of its equal suffrage in the Senate." It will be observed that this provision does not require unanimity on the part of the States to a change diminishing or extinguishing State representation in the Senate, but merely gives any particular State proposed to be affected an absolute veto on the proposal. If a State were to consent to surrender its rights, and three fourths of the whole number to concur, the resistance of the remaining fourth would not prevent the amendment from taking effect.

The amendments made by the above process (A+X) to the Constitution have been, in all, fifteen in number. These have been made on four occasions, and fall into four groups, two of which consist of one amendment each. The first group, including ten amendments made immediately after the adoption of the Constitution, ought to be regarded as a supplement or postscript to it, rather than as changing it. They constitute what the Americans, following the English precedent, call a Bill of Rights, securing the individual citizen and the States against

the encroachments of Federal power. The second and third groups, if a single amendment can be properly called a group (viz., amendments xi. and xii.) are corrections of minor defects which had disclosed themselves in the working of the Constitution. The fourth group is the only one which marked a political crisis and registered a political victory. It comprises three amendments (xiii., xiv., xv.) which forbid slavery, define citizenship, secure the suffrage of citizens against attempts by States to discriminate to the injury of particular classes, and extend Federal protection to those citizens who may suffer from the operation of certain kinds of unjust State laws. These three amendments are the outcome of the War of Secession, and were needed in order to confirm and secure for the future its results. The requisite majority of States was obtained under conditions altogether abnormal, some of the lately conquered States ratifying while actually controlled by the northern armies, others as the price which they were obliged to pay for the re-admission to Congress of their senators and representatives.

Many amendments to the Constitution have been at various times suggested to Congress by Presidents, or brought forward in Congress by members, but very few of these have ever obtained the requisite two-thirds vote of both Houses.

The moral of these facts is not far to seek. Although it has long been the habit of the Americans to talk of their Constitution with almost superstitious reverence, there have often been times when leading statesmen, perhaps even political parties, would have materially altered it if they could have done so. There have, moreover, been some alterations suggested in it, which the impartial good sense of the wise would have approved, but which have never been submitted to the States, because it was known they could not be carried by the requisite majority. If, therefore, comparatively little use has been made of the provisions for amendment, this has been due, not solely to the excellence of the original instrument, but also to the difficulties which surround the process of change. Alterations, though perhaps not large alterations, have been needed, to cure admitted faults or to supply dangerous omissions, but the pro-

cess has been so difficult that it has never been successfully applied, except either to matters of minor consequence involving no party interests (Amendments xi. and xii.), or in the course of a revolutionary movement which had dislocated the Union itself (Amendments xiii., xiv., xv.).

## CHAPTER IV

### The Results of Constitutional Development

The American Constitution has changed, is changing, and by the law of its existence must continue to change, in its substance and practical working even when its words remain the same. "Time and habit," said Washington, "are at least as necessary to fix the true character of governments as of other human institutions"; and while habit fixes some things, time remolds others.

It remains to ask what has been the general result of the changes it has suffered, and what light an examination of its history, in this respect, throws upon the probable future of the instrument and on the worth of rigid or supreme constitutions in general.

I shall attempt to state the chief differences perceptible between the ideas which men entertained regarding the various bodies and offices of the government when they first entered life, and the aspect they now wear to the nation.

The President has developed a capacity for becoming, in moments of national peril, something like a Roman dictator. He is in quiet times no stronger than he was at first, possibly weaker. Congress has in some respects encroached on him, yet his office has shown that it may, in the hands of a trusted leader and at the cail of a sudden necessity, rise to a tremendous height.

The ministers of the President have not become more important either singly or collectively as a cabinet. Cut off from the legislature on one side, and from the people on the other, they have been a mere appendage to the President.

The Senate has come to press heavily on the Executive, and at the same time has developed legislative functions which, though contemplated in the Constitution, were comparatively rudimentary in the older days. It has, in the judgment of American publicists, grown relatively stronger than it then was.

The Vice-President of the United States has become even more insignificant than the Constitution seemed to make him.

On the other hand, the Speaker of the House of Representatives, whom the Constitution mentions only once, and on whom it bestows no powers, has now secured one of the leading parts in the piece, and can affect the course of legislation more than any other single person.

An oligarchy of chairmen of the leading committees has sprung up in the House of Representatives as a consequence of the increasing demands on its time and of the working of the committee system.

The Judiciary was deemed to be making large strides during the first forty years, because it established its claim to powers which, though doubtless really granted, had been but faintly apprehended in 1789. After 1830 the development of those powers advanced more slowly. But the position which the Supreme Court has taken in the scheme of government, if it be not greater than the framers of the Constitution would have wished, is yet greater than they foresaw.

Although some of these changes are considerable, they are far smaller than those which England has seen pass over her Government since 1789. So far, therefore, the rigid Constitution has maintained a sort of equilibrium between the various powers, whereas that which was then supposed to exist in England between the king, the peers, the House of Commons, and the people (i.e., the electors) has vanished irrecoverably.

In the other struggle that has gone on in America, that between the national government and the States, the results have been still more considerable, though the process of change has sometimes been interrupted. During the first few decades after 1789 the States, in spite of a steady and often angry resistance, sometimes backed by threats of secession, found them-

selves more and more entangled in the network of Federal powers which sometimes Congress, sometimes the President, sometimes the Judiciary, as the expounder of the Constitution, flung over them. Provisions of the Constitution whose bearing had been inadequately realized in the first instance were put in force against a State, and when once put in force became precedents for the future. The expansive force of the national government proved ultimately stronger than the force of the States, so the centralizing tendency prevailed. Now and then the centralizing process was checked. Georgia defied the Supreme Court in 1830-'32, and was not made to bend because the Executive sided with her. South Carolina defied Congress and the President in 1832, and the issue was settled by a compromise. Acute foreign observers then, and often during the period that followed, predicted the dissolution of the Union. For some years before the outbreak of the Civil War the tie of obedience to the national government was palpably loosened over a large part of the country. But during and after the war the former tendency resumed its action, swifter and more potent than before.

The dominance of the centralizing tendencies is not wholly or even mainly due to constitutional amendments. It had begun before them. It would have come about, though less completely, without them. It has been due not only to these amendments but also—

To the extensive interpretation by the Judiciary of the powers which the Constitution vests in the National Government.

To the passing by Congress of statutes on topics not exclusively reserved to the States, statutes which have sensibly narrowed the field of State action.

To exertions of Executive power which, having been approved by the people, and not condemned by the courts, have passed into precedents.

These have been the modes in which the centralizing tendency has shown itself and prevailed. What have been the underlying causes? They belong to history. They are partly economical, partly moral. Steam and electricity have knit the

various parts of the country closely together, have made each State and group of States more dependent on its neighbors, have added to the matters in which the whole country benefits by joint action and uniform legislation. The power of the national government to stimulate or depress commerce and industries by tariff legislation has given it a wide control over the material prosperity of part of the Union, till "the people, and especially the trading and manufacturing classes, came to look more and more to the national capital for what enlists their interests, and less and less to the capital of their own State. . . . It is the nation and not the state that is present to the imagination of the citizens as sovereign, even in the States of Jefferson and Calhoun. . . . The Constitution as it is, and the Union as it was, can no longer be the party watchword. There is a new Union, with new grand features, but with new engrafted evils." There has grown up a pride in the national flag, and in the national government as representing national unity. In the North there is gratitude to that government as the power that saved the Union in the Civil War; in the South a sense of the strength which Congress and the President then exerted; in both a recollection of the immense scope which the war powers took and might take again. All over the country there is a great army of Federal office-holders who look to Washington as the center of their hopes and fears. As the modes in and by which these and other similar causes can work are evidently not exhausted, it is clear that the development of the Constitution as between the nation and the states has not yet stopped, and present appearances suggest that the centralizing tendency will continue to prevail.

The Constitution of the United States has rendered, and renders now, inestimable services. It opposes obstacles to rash and hasty change. It secures time for deliberation. It forces the people to think seriously before they alter it or pardon a transgression of it. It makes legislatures and statesmen slow to overpass their legal powers, slow even to propose measures which the Constitution seems to disapprove. It tends to render the inevitable process of modification gradual and tentative, the result of admitted and growing necessities

rather than of restless impatience. It altogether prevents some changes which a temporary majority may clamor for, but which will have ceased to be demanded before the barriers interposed by the Constitution have been overcome. It does still more than this. It forms the mind and temper of the people. It trains them to habits of legality. It strengthens their conservative instincts, their sense of the value of stability and permanence in political arrangements. It makes them feel that to comprehend their supreme instrument of government is a personal duty, incumbent on each one of them. It familiarizes them with, it attaches them by, ties of pride and reverence to, those fundamental truths on which the Constitution is based.

These are enormous services to render to any free country, but above all to one which, more than any other, is governed not by the men of rank or wealth or special wisdom, but by public opinion, that is to say, by the ideas and feelings of the people at large. In no country were swift political changes so much to be apprehended, because nowhere has material growth been so rapid and immigration so enormous. In none might the political character of the people have seemed more likely to be bold and prone to innovation, because their national existence began with a revolution, which even now lies only a century behind. That none has ripened into a more prudently conservative temper may be largely ascribed to the influence of the famous instrument of 1789, which, enacted in and for a new republic, summed up so much of what was best in the laws and customs of an ancient monarchy.

# THE AMERICAN SYSTEM OF GOVERNMENT

## The State Governments

### CHAPTER I

#### Nature of the State

THE American State is a peculiar organism, unlike anything in modern Europe, or in the ancient world. The only parallel is to be found in the cantons of the Switzerland of our own day.

There are forty-five States in the American Union, varying in size from Texas, with an area of 265,780 square miles, to Rhode Island, with an area of 1,250 square miles. The largest State is much larger than either France or the Germanic Empire, while the smallest is smaller than Warwickshire or Corsica.

The older colonies had different historical origins. Virginia and North Carolina were unlike Massachusetts and Connecticut; New York, Pennsylvania, and Maryland different from both; while in recent times the stream of European immigration has filled some States with Irishmen, others with Germans, others with Scandinavians, and has left most of the Southern States wholly untouched.

Nevertheless, the form of government is in its main outlines, and to a large extent even in its actual working, the same in all these forty-five republics, and the differences, instructive as they are, relate to points of secondary consequence.

The States fall naturally into five groups:—

The New England States—Massachusetts, Connecticut, Rhode Island, New Hampshire, Vermont, Maine.

The Middle States—New York, New Jersey, Pennsylvania, Delaware, Maryland, Ohio, Indiana.

The Southern States—Virginia, West Virginia (separated from Virginia during the Civil War), North Carolina, South Carolina, Georgia, Alabama, Florida, Kentucky, Tennessee, Mississippi, Louisiana, Arkansas, Missouri, Texas.

The Northwestern States—Michigan, Illinois, Wisconsin, Minnesota, Iowa, Nebraska, Kansas, Colorado, North Dakota, South Daokta, Wyoming, Montana, Idaho, Utah.

The Pacific States—California, Nevada, Oregon, Washington.

Each of these groups has something distinctive in the character of its inhabitants, which is reflected, though more faintly now than formerly, in the character of its government and politics.

Dissimilarity of population and of external conditions seems to make for a diversity of constitutional and political arrangements between the States; so also does the large measure of legal independence which each of them enjoys under the Federal Constitution. No State can, as a commonwealth, politically deal with or act upon any other State. No diplomatic relations can exist nor treaties be made between States, no coercion can be exercised by one upon another. And although the government of the Union can act on a State, it rarely does act, and then only in certain strictly limited directions, which do not touch the inner political life of the commonwealth.

He who looks at a map of the Union will be struck by the fact that so many of the boundary lines of the States are straight lines. Those lines tell the same tale as the geometrical plans of cities like St. Petersburg or Washington, where every street runs at the same angle to every other. The States are not natural growths. Their boundaries are for the most part not natural boundaries fixed by mountain ranges, nor even historical boundaries due to a series of events, but purely artificial boundaries, determined by an authority which carved the national territory into strips of convenient size, as a building

company lays out its suburban lots. Of the States subsequent to the original thirteen, California is the only one with a genuine natural boundary, finding it in the chain of the Sierra Nevada on the east and the Pacific ocean on the west. No one of these later States can be regarded as a naturally developed political organism. They are trees planted by the forester, not self-sown with the help of the seed-scattering wind. This absence of physical lines of demarcation has tended and must tend to prevent the growth of local distinctions. Nature herself seems to have designed the Mississippi basin, as she has designed the unbroken levels of Russia, to be the dwelling-place of one people.

Each State makes its own Constitution; that is, the people agree on their form of government for themselves, with no interference from the other States or from the Union. This form is subject to one condition only: it must be republican. It was the obvious course for the newer States to copy the organizations of the older States, especially as these agreed with certain familiar features of the Federal Constitution. Hence the outlines, and even the phrases of the elder constitutions reappear in those of the more recently formed States.

Nowhere is population in such constant movement as in America. In some of the newer States only one fourth or one fifth of the inhabitants are natives of the United States. Many of the townsfolk, not a few even of the farmers, have been till lately citizens of some other State, and will, perhaps, soon move on farther west. These Western States are like a chain of lakes through which there flows a stream which mingles the waters of the higher with those of the lower. In such a constant flux of population local peculiarities are not readily developed, or if they have grown up when the district was still isolated, they disappear as the country becomes filled.

Still more important is the influence of railway communication, of newspapers, of the telegraph. A Greek city like Samos or Mitylene, holding her own island, preserved a distinctive character in spite of commercial intercourse and the sway of Athens. A Swiss canton like Uri or Appenzell, entrenched behind its mountain ramparts, remains, even now, under the strengthened central government of the Swiss nation, unlike its

sioner appointed for the purpose, or leave it without any government whatever. The city would have no right of complaint to the Federal President or Congress against such a measure.

III. A State commands the allegiance of its citizens, and may punish them for treason against it. Allegiance to the State must be taken to be subordinate to allegiance to the Union. But allegiance to the State still exists; treason against the State is still possible.

These are illustrations of the doctrine that the American States were originally in a certain sense, and still for certain purposes remain, sovereign States. Each of the original thirteen became sovereign [in domestic affairs] when it revolted from the mother country in 1776. By entering the Confederation of 1781–'88 it parted with one or two of the attributes of sovereignty; by accepting the Federal Constitution in 1788 it subjected itself for certain specified purposes to a central government, but claimed to retain its sovereignty for all other purposes. That is to say, the authority of a State is an inherent, not a delegated, authority. It has all the powers which any independent government can have, except such as it can be affirmatively shown to have stripped itself of, while the Federal government has only such powers as it can be affirmatively shown to have received. To use the legal expression, the presumption is always for a State, and the burden of proof lies upon any one who denies its authority in a particular matter.

What State sovereignty means and includes is a question which incessantly engaged the most active legal and political minds of the nation, from 1789 down to 1870. Since the Civil War the term "State sovereignty" has been but seldom heard. Even "States' rights" have a different meaning from that which they had forty years ago.

What, then, do the rights of a State now include? Every right or power of a government except:—

The right of secession (not abrogated in terms, but admitted since the war to be no longer claimable. It is expressly negatived in the recent constitutions of several Southern States).

Powers which the Constitution withholds from the States

(including that of intercourse with foreign governments).

Powers which the Constitution expressly confers on the Federal government.

As respects some powers of the last class, however, the States may act concurrently with, or in default of action by, the Federal government. It is only from contravention of its action that they must abstain. And where contravention is alleged to exist, whether legislative or executive, it is by a court of law, and, in case the decision is in the first instance favorable to the pretensions of the State, ultimately by a Federal court, that the question falls to be decided.

A reference to the preceding list of what each State may create in the way of distinct institutions will show that these rights practically cover nearly all the ordinary relations of citizens to one another and to their government. An American may, through a long life, never be reminded of the Federal government, except when he votes at presidential and congressional elections.

Looking at this immense compass of State functions, Jefferson would seem to have been not far wrong when he said that the Federal government was nothing more than the American department of foreign affairs. But although the national government touches the direct interests of the citizen less than does the State government, it touches his sentiment more. Hence the strength of his attachment to the former and his interest in it must not be measured by the frequency of his dealings with it. In the partitionment of governmental functions between nation and State, the State gets the most but the nation the highest, so the balance between the two is preserved. Thus every American citizen lives in a duality of which Europeans, always excepting the Swiss, and to some extent the Germans, have no experience. He lives under two governments and two sets of laws; he is animated by two patriotisms and owes two allegiances. That these should both be strong and rarely be in conflict is most fortunate. It is the result of skillful adjustment and long habit, of the fact that

those whose votes control the two sets of governments are the same persons, but above all of that harmony of each set of institutions with the other set, a harmony due to the identity of the principles whereon both are founded, which makes each appear necessary to the stability of the other, the States to the nation as its basis, the national government to the States as their protector.

## CHAPTER II

### State Constitutions

The government of each of the forty-five States is determined by and set forth in its Constitution, a comprehensive fundamental law, or rather group of laws included in one instrument, which has been directly enacted by the people of the State, and is capable of being repealed or altered, not by their representatives, but by themselves alone. As the Constitution of the United States stands above Congress and out of its reach, so the Constitution of each State stands above the legislature of that State, cannot be varied in any particular by Acts of the State legislature, and involves the invalidity of any statute passed by the legislature which a court of law may find to be inconsistent with it.

The State Constitutions are the oldest things in the political history of America, for they are the continuations and representatives of the royal colonial charters, whereby the earliest English settlements in America were created, and under which their several local governments were established, subject to the authority of the English Crown, and ultimately of the British Parliament. But, like most of the institutions under which English-speaking peoples now live, they have a pedigree which goes back to a time anterior to the discovery of America itself. It begins with the English Trade Guild of the Middle Ages, itself the child of still more ancient corporations, dating back to the days of imperial Rome, and formed under her imperishable law.

When, in 1776, the thirteen colonies threw off their

allegiance to King George III., and declared themselves independent States, the colonial charter naturally became the State Constitution. In most cases it was remodeled, with large alterations, by the revolting colony. But in three States it was maintained unchanged, except, of course, so far as crown authority was concerned, viz., in Massachusetts till 1780, in Connecticut till 1818, and in Rhode Island till 1842. The other States admitted to the Union in addition to the original thirteen, have all entered it as organized self-governing communities, with their Constitutions already made by their respective peoples. Each Act of Congress which admits a new State admits it as a subsisting commonwealth, recognizing rather than affecting to sanction its Constitution. Congress may impose conditions which the State Constitution must fulfil. But the authority of the State Constitutions does not flow from Congress, but from acceptance by the citizens of the States for which they are made.

The State Constitutions of America well deserve to be compared with those of the self-governing British colonies. But one remarkable difference must be noted here. The constitutions of British colonies have all proceeded from the Imperial Parliament of the United Kingdom, which retains its full legal power of legislating for every part of the British dominions. In many cases a colonial constitution provides that it may be itself altered by the colonial legislature, of course with the assent of the Crown; but inasmuch as in its origin it is a statutory constitution, not self-grown, but planted as a shoot by the Imperial Parliament at home, Parliament may always alter or abolish it. Congress, on the other hand, has no power to alter a State Constitution. And whatever power of alteration has been granted to a British colony is exercisable by the legislature of the colony, not, as in America, by the citizens at large.

The original Constitutions of the States, whether of the old thirteen or of the newer commonwealths, have been in nearly all cases, except the most recent, subsequently recast, in some instances five, six, or even seven times, as well as amended in particular points.

The Constitutions of the revolutionary period were in a few

instances enacted by the State legislature, acting as a body with plenary powers, but more usually by the people acting through a convention, i.e., a body especially chosen by the voters at large for the purpose, and invested with full powers, not only of drafting, but of adopting the instrument of government. But the usual practice in later times has been for the convention, elected by the voters, to submit, in accordance with the precedent set by Massachusetts in 1780, the draft Constitution framed by it to the citizens of the State at large, who vote upon it Yes or No. They usually vote on it as a whole and adopt or reject it *en bloc*, but sometimes provision is made for voting separately on some particular point or points.

The people of a State retain forever in their hands, altogether independent of the national government, the power of altering their Constitution. When a new Constitution is to be prepared, or the existing one amended, the initiative usually comes from the legislature, which (either by a simple majority, or by a two-thirds majority, or by a majority in two successive legislatures, as the Constitution may in each instance provide) submits the matter to the voters in one of two ways. It may either propose to the people certain specific amendments, or it may ask the people to decide by a direct popular vote on the propriety of calling a constitutional convention to revise the whole existing Constitution. In the former case the amendments suggested by the legislature are directly voted on by the citizens; in the latter the legislature, so soon as the citizens have voted for the holding of a convention, provides for the election by the people of this convention. When elected, the convention meets, sets to work, goes through the old Constitution, and prepares a new one, which is then presented to the people for ratification or rejection at the polls. Be it observed, however, that whereas the Federal Constitution can be amended only by a vote of three fourths of the States, a Constitution can in nearly every State be changed by a bare majority of the citizens voting at the polls. Hence we may expect and shall find, that these instruments are altered more frequently and materially than the Federal Constitution has been.

A State Constitution is not only independent of the central

national government (save in certain points already specified), it is also the fundamental organic law of the State itself. The State exists as a commonwealth by virtue of its Constitution, and all State authorities, legislative, executive, and judicial, are the creatures of, and subject to, the State Constitution. Just as the President and Congress are placed beneath the Federal Constitution, so the governor and Houses of a State are subject to its Constitution, and any act of theirs done either in contravention of its provisions, or in excess of the powers it confers on them, is absolutely void. All that has been said in preceding chapters regarding the functions of the courts of law where an act of Congress is alleged to be inconsistent with the Federal Constitution, applies equally where a statute passed by a State legislature is alleged to transgress the Constitution of the State, and of course such validity may be contested in any court, whether a State court or a Federal court, because the question is an ordinary question of law, and is to be solved by determining whether or no a law of inferior authority is inconsistent with a law of superior authority. Whenever in any legal proceeding before any tribunal, either party relies on a State statute, and the other party alleges that this statute is *ultra vires* of the State legislature, and therefore void, the tribunal must determine the question just as it would determine whether a by-law made by a municipal council or a railway company was in excess of the law-making power which the municipality or the company had received from the higher authority which incorporated it and gave it such legislative power as it possesses. But although Federal courts are fully competent to entertain a question arising on the construction of a State Constitution, their practice is to follow the precedents set by any decision of a court of the State in question, just as they would follow the decision of an English court in determining a point of purely English law. They hold not only that each State must be assumed to know its own law better than a stranger can, but also that the supreme court of a State is the authorized exponent of the mind of the people who enacted its Constitution.

A State Constitution is really nothing but a law made

directly by the people voting at the polls upon a draft submitted to them. The people of a State when they so vote act as a primary and constituent assembly, just as if they were all summoned to meet in one place like the folkmoots of our Teutonic forefathers. It is only their numbers that prevent them from so meeting in one place, and to oblige the vote to be taken at a variety of polling places. Hence the enactment of a Constitution is an exercise of direct popular sovereignty to which we find few parallels in modern Europe, though it was familiar enough to the republics of antiquity, and has lasted till now in some of the cantons of Switzerland.

State Constitutions have less capacity for development, whether by interpretation or by usage, than the Constitution of the United States: first, because they are more easily, and therefore more frequently, amended or recast; second, because they are far longer, and go into much more minute detail. The Federal Constitution is so brief and general that custom must fill up what it has left untouched, and judicial construction evolve the application of its terms to cases they do not expressly deal with. But the later State Constitutions are so full and precise that they need little in the way of expansive construction, and leave comparatively little room for the action of custom.

The rules of interpretation are in the main the same as those applied to the Federal Constitution. One important difference must, however, be noted, springing from the different character of the two governments. The national government is an artificial creation, with no powers except those conferred by the instrument which created it. A State government is a natural growth, which *prima facie* possesses all the powers incident to any government whatever. Hence, if the question arises whether a State legislature can pass a law on a given subject, the presumption is that it can do so: and positive grounds must be adduced to prove that it cannot. It may be restrained by some inhibition either in the Federal Constitution, or in the Constitution of its own State. But such inhibition must be affirmatively shown to have been imposed, or, to put the same point in other words, a State Constitution is held

to be, not a document conferring defined and specified powers on the legislature, but one regulating and limiting that general authority which the representatives of the people enjoy *ipso jure* by their organization into a legislative body.

The executive and legislative departments of a State government have of course the right and duty of acting in the first instance on their view of the meaning of the Constitution. But the ultimate expounder of that meaning is the judiciary; and when the courts of a State have solemnly declared the true construction of any provision of the Constitution, all persons are bound to regulate their conduct accordingly. This authority of the American courts is not in the nature of a political or discretionary power vested in them; it is a legitimate and necessary consequence of the existence of a fundamental law superior to any statute which the legislature may enact, or to any right which a governor may conceive himself to possess. To quote the words of an American decision:

"In exercising this high authority the judges claim no judicial supremacy; they are only the administrators of the public will. If an Act of the legislature is held void, it is not because the judges have any control over the legislative power, but because the Act is forbidden by the Constitution, and because the will of the people, which is therein declared, is paramount to that of their representatives expressed in any law."

It is a well-established rule that the judges will always lean in favor of the validity of a legislative Act; that if there be a reasonable doubt as to the constitutionality of a statute they will solve that doubt in favor of the statute; that where the legislature has been left to a discretion they will assume the discretion to have been wisely exercised; that where the construction of a statute is doubtful, they will adopt such construction as will harmonize with the Constitution, and enable it to take effect. So it has been well observed that a man might with perfect consistency argue as a member of a legislature against a bill on the ground that it is unconstitutional, and after having been appointed a judge, might in his judicial capacity sustain its constitutionality. Judges must not inquire into the motives of the legislature, nor refuse to apply an Act because

they may suspect that it was obtained by fraud or corruption, still less because they hold it to be opposed to justice and sound policy. "But when a statute is adjudged to be unconstitutional, it is as if it had never been. Rights cannot be built up under it; contracts which depend upon it for their consideration are void; it constitutes a protection to no one who has acted under it; and no one can be punished for having refused obedience to it before the decision was made. And what is true of an Act void *in toto*, is true also as to any part of an Act which is found to be unconstitutional, and which consequently is to be regarded as having never at any time been possessed of legal force."

## CHAPTER III

### The Development of State Constitutions

Three periods may be distinguished in the development of State governments as set forth in the Constitutions, each period marked by an increase in the length and minuteness of those instruments.

The first period covers about thirty years from 1776 downward, and includes the earlier Constitutions of the original thirteen States, as well as of Kentucky, Vermont, Tennessee, and Ohio.

Most of these Constitutions were framed under the impressions of the Revolutionary War. They manifest a dread of executive power and of military power, together with a disposition to leave everything to the legislature, as being the authority directly springing from the people. The election of a State governor is in most States vested in the legislature. He is nominally assisted, but in reality checked, by a council not of his own choosing. He has not (except in Massachusetts) a veto on the Acts of the legislature. He has not, like the royal governors of colonial days, the right of adjourning or dissolving it. The idea of giving power to the people directly has scarcely appeared, because the legislature is conceived as the

natural and necessary organ of popular government, much as the House of Commons is in England. And hence many of these early Constitutions consist of little beyond an elaborate Bill of Rights and a comparatively simple outline of a frame of government, establishing a representative legislature, with a few executive officers and courts of justice carefully separated therefrom.

The second period covers the first half of the nineteenth century down to the time when the intensity of the party struggles over slavery (1850–'60) interrupted to some extent the natural processes of State development. It is a period of the democratization of all institutions, a democratization due not only to causes native to American soil, but to the influence upon the generation which had then come to manhood of French republican ideas. Such provisions for the maintenance of religious institutions by the State as had continued to exist are now swept away. The principle prevails that Constitutions must be directly enacted by popular vote. The choice of a governor is taken from the legislature to be given to the people. Property qualifications are abolished, and a suffrage practically universal, except that it often excludes free persons of color, is introduced. Even the judges are not spared. Many Constitutions shorten their term of office, and direct them to be chosen by popular vote. The State has emerged from the English conception of a community acting through a ruling legislature, for the legislature begins to be regarded as being only a body of agents exercising delegated and restricted powers, and obliged to recur to the sovereign people (by asking for a constitutional amendment) when it seeks to extend these powers in any particular direction. The increasing length of the Constitutions during this half century shows how the range of the popular vote has extended, for these documents now contain a mass of ordinary law on matters which in the early days would have been left to the legislatures.

In the third period, which begins from about the time of the Civil War, a slight reaction may be discerned, not against popular sovereignty, which is stronger than ever, but in the tendency to strengthen the executive and judicial departments.

The governor had begun to receive in the second period, and has now in practically all the States, a veto on the acts of the legislature. His tenure of office has been generally lengthened; the restrictions on his reëligibility generally removed. In many States the judges have been granted larger salaries, and their terms of office lengthened. Some Constitutions have even transferred judicial appointments from the vote of the people to the Executive. But the most notable change of all has been the narrowing of the competence of the legislature, and the tying up of its action by a variety of complicated restrictions. It may seem that to take powers away from the legislature is to give them to the people, and is therefore another step toward pure democracy. But in America this is not so, because a legislature always yields to any popular clamor, however transient, while direct legislation by the people involves some delay. Such provisions are therefore conservative in their results, and are really checks imposed by the citizens upon themselves. This process of development, which has first exalted and then depressed the legislature, which has extended the direct interference of the people, which has changed the Constitution itself from a short into a long, a simple into a highly complex document, has of course not yet ended.

The influences at work, the tendencies which the constitutions of the last fifty years reveal, are evidently the same over the whole Union. What are the chief of those tendencies? One is for the Constitutions to grow longer. The new Constitutions are longer, not only because new topics are taken up and dealt with, but because the old topics are handled in far greater detail. Such matters as education, ordinary private law, railroads, State and municipal indebtedness, were either untouched or lightly touched in the earlier instruments. The provisions regarding the judiciary and the legislature, particularly those restricting the power of the latter, have grown far more minute of late years. As the powers of a State legislature are *prima facie* unlimited, these bodies can be restrained only by enumerating the matters withdrawn from their competence and the list grows always ampler.

The suffrage is now in almost every State enjoyed by all

THE WHITE HOUSE

adult males. Citizenship is quickly and easily accorded to immigrants. And, most significant of all, the superior judges, who were formerly named by the governor, or chosen by the legislature, and who held office during good behavior, are now in most States elected by the people for fixed terms of years. I do not ignore the strongly-marked democratic character of even the first set of Constitutions, formed at and just after the Revolution; but that character manifested itself chiefly in negative provisions, i.e., in forbidding exercises of power by the Executive, in securing full civil equality and the primordial rights of the citizen. The new democratic spirit is positive as well as negative. It refers everything to the direct arbitrament of the people. It calls their will into constant activity, sometimes by the enactment of laws on various subjects in the Constitution, sometimes by prescribing to the legislature the purposes which legislation is to aim at.

All the States of the Union are democracies, and democracies of nearly the same type. Yet while some change their Constitutions frequently, others scarcely change theirs at all. Of the causes of these differences I will now touch on two only. One is the attachment which in an old and historic, a civilized and well-educated community, binds the people to their accustomed usages and forms of government. It is the newer States, without a past to revere, with a population undisciplined or fluctuating, that are prone to change. In well-settled commonwealths the longer a Constitution has stood untouched, the longer it is likely to stand, because the force of habit is on its side, because an intelligent people learns to value the stability of its institutions, and to love that which it is proud of having created.

The other cause is the difference between the swiftness with which economic and social changes move in different parts of the country. They are the most constant sources of political change, and find their natural expression in alterations of the Constitution. Such changes have been least swift and least sudden in the New England and Middle States, though in some of the latter the growth of great cities, such as New York and Philadelphia, has induced them, and induced there-

with a tendency to amend Cthe oıstitutions so as to meet new conditions and check new evils. They have been most marked in regions where population and wealth have grown with unexampled speed, and in those where the extinction of slavery has changed the industrial basis of society. Here lies the explanation of the otherwise singular fact that several of the original States, such as Virginia and Georgia, have run through many Constitutions. These whilom slave States have not only changed greatly but changed suddenly: society was dislocated by the Civil War, and has had to make more than one effort to set itself right.

Putting all these facts together, the American democracy seems less inclined to changefulness and inconstancy than either abstract considerations or the descriptions of previous writers, such as De Tocqueville, would have led us to expect.

The Constitutions witness to a singular distrust by the people of its own agents and officers, not only of the legislatures but also of local authorities, as well rural as urban, whose powers of borrowing or undertaking public works are strictly limited. They witness also to a jealousy of the Federal government. By most Constitutions a Federal official is made incapable, not only of State office, but of being a member of a State legislature. These prohibitions are almost the only references to the national government to be found in the State constitutions, which so far as their terms go might belong to independent communities. They usually talk of corporations belonging to other States as "foreign," and sometimes try to impose special burdens on them. They show a wholesome anxiety to protect and safeguard private property in every way. The people's consciousness of sovereignty has not used the opportunity which the enactment of a Constitution gives to override private rights: there is rather a desire to secure such rights from any encroachment by the legislature: witness the frequent provisions against the taking of property without due compensation, and against the passing of private or personal statutes which could unfairly affect individuals. The only exceptions to this rule are to be found in the case of anything approaching a monopoly, and in the case of wealthy corpora-

tions. Some departments of governmental action, which on the continent of Europe have long been handled by the State, are in America still left to private enterprise. For instance, the States neither own nor manage railways, or telegraphs, or mines, or forests, and they sell their public lands instead of working them. There is, nevertheless, visible in recent Constitutions a tendency to extend the scope of public administrative activity. Nearly all the newer instruments establish bureaus of agriculture, labor offices, mining commissioners, land registration offices, railroad commissioners, insurance commissioners, dairy commissioners, and agricultural or mining colleges.

A spirit of humanity and tenderness for suffering, very characteristic of the American people, appears in the directions which many Constitutions contain for the establishment of charitable and reformatory institutions. Sometimes the legislature is enjoined to provide that the prisons are made comfortable. On the other hand, this tenderness is qualified by the judicious severity which in most States debars persons convicted of crime from the electoral franchise.

In the older Northern Constitutions, and in nearly all the more recent Constitutions of all the States, ample provision is made for the creation and maintenance of schools. Even universities are the object of popular zeal. Most of the Western Constitutions direct their establishment and support from public funds or land grants.

## CHAPTER IV

### Direct Legislation by the People

The difficulties and defects inherent in the method of legislating by a Constitution are obvious enough. These inconveniences are no doubt slighter in America than they would be in Europe, because the lawyers and the judges have had so much experience in dealing with constitutional and legislative questions that they now handle them with amazing dexterity.

In the United States the conception that the people (i.e., the citizens at large) are and ought of right to be the supreme legislators, has taken the form of legislation by enacting or amending a Constitution. Instead of, like the Swiss, submitting ordinary laws to the voters after they have passed the legislature, the Americans take subjects which belong to ordinary legislation out of the category of statutes, place them in the Constitution, and then handle them as parts of this fundamental instrument. They are not called laws; but laws they are to all intents and purposes, differing from statutes only in being enacted by an authority which is not a constant but an occasional body, called into action only when a convention or a legislature lays propositions before it.

We have seen that this system sprang from the fact that the Constitutions of the colonies having been given to them by an external authority superior to the colonial legislature, the people of each State, seeing that they could no longer obtain changes in their Constitution from Britain, assumed to themselves the right and duty of remodeling it; putting the collective citizendom of the State into the place of the British Crown as sovereign. The business of creating or remodeling an independent commonwealth was to their thinking too great a matter to be left to the ordinary organs of State life. This feeling, which had begun to grow from 1776 onward, was much strengthened by the manner in which the Federal Constitution was enacted in 1788 by State conventions. It seemed

to have thus received a specially solemn ratification; and even the Federal legislature, which henceforth was the center of national politics, was placed far beneath the document which expressed the will of the people as a whole.

As the republic went on working out both in theory and in practice those conceptions of democracy and popular sovereignty which had been only vaguely apprehended when enunciated at the Revolution, the faith of the average man in himself became stronger, his love of equality greater, his desire, not only to rule, but to rule directly in his own proper person, more constant. Even in State affairs they made it an article of faith that no Constitution could be enacted save by the direct vote of the citizens; and they inclined the citizens to seize such chances as occurred of making laws for themselves in their own way. Concurrently with the growth of these tendencies there had been a decline in the quality of the State legislatures, and of the legislation which they turned out. They were regarded with less respect; they inspired less confidence. Hence the people had the further excuse for superseding the legislature, that they might reasonably fear it would neglect or spoil the work they desired to see done. Instead of being stimulated by this distrust to mend their ways and recover their former powers, the State legislatures fell in with the tendency, and promoted their own supersession. The chief interest of their members is in the passing of special or local Acts, not of general public legislation. They welcome the direct intervention of the people as relieving them of embarrassing problems.

It is, however, chiefly in the form of an amendment to the Constitution that we find the American voters exercising direct legislative power. And this method comes very near to the Swiss referendum, because the amendment is first discussed and approved by the legislature, a majority greater than a simple majority being required in some States, and then goes before the citizens voting at the polls. Sometimes the State Constitution provides that a particular question shall be submitted by the legislature to the voters, thus creating a referendum for that particular case.

What are the practical advantages of this plan of direct legislation by the people? Its demerits are obvious. Besides those I have already stated, it tends to lower the authority and sense of responsibility in the legislature; and it refers matters needing much elucidation by debate to the determination of those who cannot, on account of their numbers, meet together for discussion, and many of whom may have never thought about the matter. The Americans fall back on the popular vote as the best course available under the circumstances of the case, and in such a world as the present. They do not claim that it has any great educative effect on the people. But they remark with truth that the mass of the people are equal in intelligence and character to the average State legislator, and are exposed to fewer temptations. The citizens can and do reject proposals which the legislature has assented to. Nor should it be forgotten that in a country where law depends for its force on the consent of the governed, it is eminently desirable that law should not outrun popular sentiment, but have the whole weight of the people's deliverance behind it.

If the practice of recasting or amending State Constitutions were to grow common, one of the advantages of direct legislation by the people would disappear, for the sense of permanence would be gone, and the same mutability which is now possible in ordinary statutes would become possible in the provisions of the fundamental law. But this fault of small democracies, especially when ruled by primary assemblies, is unlikely to recur in large democracies, such as most States have now become, nor does it seem to be on the increase among them. Reference to the people, therefore, acts as a conservative force; that is to say, it is a conservative method as compared with action by the legislature.

This method of legislation by means of a Constitution or amendments thereto is now serviceable in a way which those who first used it did not contemplate, though they are well pleased with the result. It acts as a restraint not only on the vices and follies of legislators, but on the people themselves. It has been well observed by Dr. von Holst that the completeness and consistency with which the principle of the direct

sovereignty of the whole people is carried out in America has checked revolutionary tendencies, by pointing out a peaceful and legal method for the effecting of political or economical changes, and has fostered that disposition to respect the decision of the majority which is essential to the success of popular governments.

State Constitutions, considered as laws drafted by a convention and enacted by the people at large, are better both in form and substance than laws made by the legislature, because they are the work of abler men, acting under a special commission which imposes special responsibilities on them. The appointment of a Constitutional convention is an important event, which excites general interest in a State. Its functions are weighty and difficult, far transcending those of the regular legislature. Hence the best men in the State desire a seat in it, and, in particular, eminent lawyers become candidates, knowing how much it will affect the law they practice. It is therefore a body superior in composition to either the Senate or the House of a State. Its proceedings excite more interest; its debates are more instructive; its conclusions are more carefully weighed, because they cannot be readily reversed. Or if the work of altering the Constitution is carried out by a series of amendments, these are likely to be more fully considered by the legislature than ordinary statutes would be, and to be framed with more regard to clearness and precision.

In the interval between the settlement by the convention of its draft Constitution, or by the legislature of its draft amendments, and the putting of the matter to the vote of the people, there is copious discussion in the press and at public meetings, so that the citizens often go well prepared to the polls. An all-pervading press does the work which speeches did in the ancient republics, and the fact that constitutions and amendments so submitted are frequently rejected, shows that the people, whether they act wisely or not, do not at any rate surrender themselves blindly to the judgment of a convention, or obediently adopt the proposals of a legislature.

A general survey of this branch of our inquiry leads to the conclusion that the peoples of the several States, in the exer-

cise of this their highest function, show little of that haste, that recklessness, that love of change for the sake of change, with which European theorists, both ancient and modern, have been wont to credit democracy.

## CHAPTER V

### State Legislatures

The similarity of the frame of government in the forty-five republics which make up the United States is due to the common source whence the governments flow. They are all copies, some immediate, some mediate, of ancient English institutions, viz., chartered self-governing corporations, which, under the influence of English habits, and with the precedent of the English parliamentary system before their eyes, developed into governments resembling that of England in the eighteenth century.

When the thirteen colonies became sovereign States at the Revolution, they preserved this frame of government, substituting a governor chosen by the State for one appointed by the Crown. As the new States admitted to the Union after 1789 successively formed their Constitutions prior to their admission to the Union, each adopted the same scheme, its people imitating, as was natural, the older commonwealths whence they came, and whose working they understood and admired.

We may sketch out a sort of genealogy of governments as follows:—

First. The English incorporated Company, a self-governing body, with its governor, deputy-governor, and assistants chosen by the freemen of the Company, and meeting in what is called the General Court or Assembly.

Second. The Colonial Government, which out of this Company evolves a governor, or executive head, and a legislature, consisting of representatives chosen by the citizens and meeting in one or two chambers.

Third. The State Government, which is nothing but the

colonial government developed and somewhat democratized, with a governor chosen originally by the legislature, now always by the people at large, and now in all cases with a legislature of two chambers. From the original thirteen States this form has spread over the Union and prevails in every State.

Fourth. The Federal Government, modeled after the State Governments, with its President chosen, through electors, by the people, its two-chambered legislature, its judges named by the President.

Every State has—

An executive elective head, the governor.

A number of other administrative officers.

A legislature of two Houses.

A system of courts of justice.

Various subordinate local self-governing communities, counties, cities, townships, villages, school districts.

Neither the governor nor any other State official can sit in a State legislature. He cannot lead it. It cannot, except of course by passing statutes, restrain him. There can, therefore, be no question of any government by ministers who link the executive to the legislature according to the system of the free countries of modern Europe and of the British colonies.

Of these several powers the legislature is by far the strongest and most prominent. An American State legislature always consists of two Houses, the smaller called the Senate, the larger usually called the House of Representatives. The origin of this very interesting feature is to be sought rather in history than in theory. It is due partly to the fact that in some colonies there had existed a small governor's council in addition to the popular representative body, partly to a natural disposition to imitate the mother country with its Lords and Commons, a disposition which manifested itself both in colonial days and when the revolting States were giving themselves new Constitutions, for up to 1776 some of the colonies had gone on with a legislature of one House only. Now, however, the need for two chambers has become an axiom of political science, being based on the belief that the innate tendency of an assembly to become hasty, tyrannical, and corrupt, needs to be checked by

the co-existence of another House of equal authority. The Americans restrain their legislatures by dividing them, just as the Romans restrained their executive by substituting two consuls for one king. The only States that ever tried to do with a single House were Pennsylvania, Georgia, and Vermont, all of whom gave it up: the first after four years' experience, the second after twelve years, the last after fifty years.

Both Houses are chosen by popular vote, generally in equal electoral districts, and by the same voters, although in a few States there are minor variations as to modes of choice. The number of the legislature varies greatly from State to State.

The following differences between the rules governing the two Houses are general:—

1. The senatorial electoral districts are always larger, usually twice or thrice as large as the House districts, and the number of senators is, of course, in the same proportion smaller than that of representatives.

2. A senator is usually chosen for a longer term than a representative. In a majority of the States he now sits for four years. The term of a representative is usually two years.

3. In most cases the Senate, instead of being elected all at once like the House, is only partially renewed, half its members going out when their terms have been completed, and a new half coming in. This gives it a sense of continuity which the House wants.

4. In some States the age at which a man is eligible for the Senate is fixed higher than that for the House of Representatives. Other restrictions on eligibility, such as the exclusion of salaried public officials (which exists everywhere), that of United States officials and members of Congress, and that of persons not resident in the electoral districts (frequent by law and practically universal by custom), apply to both Houses. In some States this last restriction goes so far that a member who ceases to reside in the district for which he was elected loses his seat *ipso facto*.

Nobody dreams of offering himself as a candidate for a place in which he does not reside, even in new States, where it might be thought that there had not been time for local feel-

ing to spring up. Unfortunate results have followed from this, and have been aggravated by the tendency to narrow the election areas, allotting one senator or representative to each district. The area of choice being smaller, inferior men are chosen; and in the case of districts which return one member, but are composed of several small towns, the practice has grown up of giving each town its turn, so that not even the leading man of the district, but the leading man of the particular small community whose turn has come round, is chosen to sit in the assembly.

Universal manhood suffrage, subject to certain disqualifications in respect of crime (including bribery) and of the receipt of poor law relief, which prevail in many States, is the rule in nearly all the States. A property qualification was formerly required in many, but is no longer made in any of them. [Other special qualifications still exist in some States, but are usually of little practical consequence at the present day, except those which in certain Southern States have been recently introduced.—ED.] Of course certain terms of residence within the United States, in the particular State, and in the voting districts, are also prescribed: these vary greatly from State to State, but are usually short.

The suffrage is generally the same for other purposes as for that of elections to the legislature, and is in most of the States confined to male inhabitants. In Colorado, Idaho, Utah, and Wyoming, women now have full suffrage. In some other States they are permitted to vote at school district and municipal elections.

By the Constitution of the United States, the right of suffrage in Federal or national elections (i.e., for presidential electors and members of Congress) is in each State that which the State confers on those who vote at the election of its more numerous House. Thus there might exist great differences between one State and another in the free bestowal of the Federal franchise. That such differences are at present insignificant is due, partly to the prevalence of democratic theories of equality over the whole Union, partly to the provision of the fourteenth amendment to the Federal Constitution, which

reduces the representation of a State in the Federal House of Representatives, and therewith also its weight in a presidential election, in proportion to the number of adult male citizens disqualified in that State. As a State desires to have its full weight in national politics, it has a strong motive for the widest possible enlargement of its Federal franchise, and this implies a corresponding width in its domestic franchise.

In all States the members of both Houses receive salaries, which in some cases are fixed at an annual sum, the average at present being about $500. More frequently, however, they are calculated at so much for every day during which the session lasts, the average under this method being about $5 per day, besides a small allowance, called mileage, for traveling expenses. The States which pay by the day are also those which limit the session. Some States secure themselves against prolonged sessions by providing that the daily pay shall diminish, or shall absolutely cease and determine, at the expiry of a certain number of days, hoping thereby to expedite business, and check inordinate zeal for legislation.

It was formerly usual for the legislature to meet annually, but the experience of bad legislation and over-legislation has led to fewer as well as shorter sittings; and sessions are now biennial in all States but six: viz., Georgia, Massachusetts, New Jersey, New York, and South Carolina, all of them old States.

There is, however, in nearly all States a power reserved to the governor to summon the Houses in extraordinary session should a pressing occasion arise Bills may originate in either House, save that in nearly half of the States money bills must originate in the House of Representatives. There is a reason for such a rule in Congress, the Federal Senate not being directly representative of equal numbers of citizens, which is not found in the State legislatures; it is in these last a mere survival of no present functional value. Money bills may, however, be amended or rejected by the State Senates like any other bills, just as the Federal Senate amends money bills brought up from the House.

In one point a State Senate enjoys a special power, obviously modeled on that of the English House of Lords and the

Federal Senate. It sits as a court under oath for the trial of State officials impeached by the House. Like the Federal Senate, it has in many States the power of confirming or rejecting appointments to office made by the governor. When it considers these it is said to "go into executive session." The power is an important one in those States which allow the governor to nominate the higher judges.

In other respects the powers and procedure of the two Houses of a State legislature are identical; except that, whereas the lieutenant-governor of a State is generally *ex officio* president of the Senate, with a casting vote therein, the House always chooses its own Speaker. The legal quorum is usually fixed by the Constitution, at a majority of the whole number of members elected, though a smaller number may adjourn and compel the attendance of absent members. Both Houses do most of their work by committees, much after the fashion of Congress, and the committees are in both usually chosen by the Speaker (in the Senate by the President, though it is often provided that the House or Senate may on motion vary their composition). Both Houses sit with open doors, but in most States the Constitution empowers them to exclude strangers when the business requires secrecy.

The State governor has of course no right to dissolve the legislature, nor even to adjourn it unless the Houses, while agreeing to adjourn, disagree as to the date. Such control as the legislature can exercise over the State officers by way of inquiry into their conduct is generally exercised by committees, and it is in committees that the form of bills is usually settled and their fate decided, just as in the Federal Congress. The proceedings are rarely reported. Sometimes when a committee takes evidence on an important question reporters are present, and the proceedings more resemble a public meeting than a legislative session. It need scarcely be added that neither House separately, nor both Houses acting together, can control an executive officer otherwise than either by passing a statute prescribing a certain course of action for him, which if it be in excess of their powers will be held unconstitutional and void, or by withholding the appropriations necessary to enable him

to carry out the course of action he proposes to adopt. The latter method, where applicable, is the more effective, because it can be used by a bare majority of either House, whereas a bill passed by both Houses may be vetoed by the governor.

Here, therefore, as in the Federal Constitution, we find a useful safeguard against the unwisdom or misconduct of a legislature, and a method providing for escaping, in extreme cases, from those deadlocks which the system of checks and balances tends to occasion.

The restrictions imposed on the legislatures of the States by their respective Constitutions are numerous, elaborate, and instructive. They take two forms:—

I. Exclusions of a subject from legislative competence, i.e., prohibitions to the legislature to pass any law on certain enumerated subjects. The most important classes of prohibited statutes are:—

Statutes inconsistent with democratic principles, as, for example, granting titles of nobility, favoring one religious denomination, creating a property qualification for suffrage or office.

Statutes against public policy, e.g., tolerating lotteries, impairing the obligation of contracts, incorporating or permitting the incorporation of banks, or the holding by a State of bank stock.

Statutes special or local in their application, a very large and increasing category, the fullness and minuteness of which in many Constitutions show that the mischiefs arising from improvident or corrupt special legislation must have become alarming.

Statutes increasing the State debt beyond a certain limited amount, or permitting a local authority to increase its debt beyond a prescribed amount, the amount being usually fixed in proportion to the valuation of taxable property within the area adminstered by the local authority.

II. Restrictions on the procedure of the legislature, i.e., directions as to the particular forms to be observed and times to be allowed in passing bills, sometimes all bills, sometimes

bills of a certain specified nature. Among these restrictions will be found provisions:—

As to the majorities necessary to pass certain bills. Sometimes a majority of the whole number of members elected to each House is required, or a majority exceeding a bare majority.

As to the method of taking the votes, e.g., by calling over the roll and recording the vote of each member.

As to allowing certain intervals to elapse between each reading of a measure, and for preventing the hurried passage of bills at the end of the session.

As to including in a bill only one subject, and expressing that subject in the title of the bill.

Against reënacting, or amending, or incorporating, any former Act by reference to its title merely, without setting out its contents.

Where statutes have been passed by a legislature upon a prohibited subject, or where the prescribed forms have been transgressed or omitted, the statute will be held void so far as inconsistent with the Constitution.

Debates in these bodies are seldom well reported, and sometimes not reported at all. One result is that the conduct of members escapes the scrutiny of their constituents; a better one that speeches are generally short and practical, the motive for rhetorical displays being absent. If a man does not make a reputation for oratory, he may for quick good sense and business habits. However, so much of the real work is done in committees that talent for intrigue or "management" usually counts for more than debating power

## CHAPTER VI

### The State Executive

The executive department in a State consists of a governor (in all the States), a lieutenant-governor (in thirty-two), and of various minor officials. The governor, who, under the earlier Constitutions of most of the original thirteen States, was chosen by the legislature, is now always elected by the people, and by the same suffrage, practically universal, as the legislature. He is elected directly, not, as under the Federal Constitution, by a college of electors. His term of office is, in twenty States, four years; in one State (New Jersey), three years; in twenty-two States, two years; and in two States (Massachusetts and Rhode Island), one year. His salary varies from $10,000 in New York and Pennyslvania to $1,000 in Michigan. Some States limit his reëligibility.

The earlier Constitutions of the original States (except South Carolina) associated with the governor an executive council, but these councils have long since disappeared, except in Massachusetts, Maine, and North Carolina, and the governor remains in solitary glory the official head and representative of the majesty of the State. His powers are, however, in ordinary times more specious than solid, and only one of them is of great practical value. He is charged with the duty of seeing that the laws of the State are faithfully administered by all officials and the judgments of the courts carried out. He has, in nearly all States, the power of reprieving and pardoning offenders, but in some this does not extend to treason or to conviction on impeachment, and in some, other authorities are associated with him in the exercise of this prerogative. He is commander-in-chief of the armed forces of the State, can embody the militia, repel invasion, suppress insurrection.

He appoints some few officials, but seldom to high posts, and in many States his nominations require the approval of the State Senate. Patronage, in which the President of the United

States finds one of his most desired and most disagreeable functions is, in the case of a State governor, of slight value, because the State offices are not numerous, and the more important and lucrative ones are filled by the direct election of the people. He has the right of requiring information from the executive officials, and is usually bound to communicate to the legislature his views regarding the condition of the commonwealth. He may also recommend measures to them, but does not frame and present bills. In a few States he is directed to present estimates. His veto may be overridden by the legislatures in manner already indicated, but generally kills the measure, because if the bill is a bad one, it calls the attention of the people to the fact and frightens the legislature, whereas if the bill be an unobjectionable one, the governor's motive for vetoing it is probably a party motive, and the requisite overriding majority can seldom be secured in favor of a bill which either party dislikes. The use of his veto is, in ordinary times, a governor's most serious duty, and chiefly by his discharge of it is he judged.

Although much less sought after and prized than in "the days of the Fathers," when a State governor sometimes refused to yield precedence to the President of the United States, the governorship is still, particularly in New England and in New York and other great States, a post of some dignity, and affords an opportunity for the display of character and talents. During the Civil War, when each governor was responsible for enrolling, equipping, officering, and sending forward troops from his State, and when it rested with him to repress any attempts at disorder, much depended on his energy, popularity, and loyalty. In some States men still talk of the "war governors" of those days as heroes to whom the North owed deep gratitude. And since the Pennsylvanian riots of 1877, and those which have subsequently occurred in Cincinnati and Chicago, have shown that tumults may suddenly grow to serious proportions, it has in many States become important to have a man of prompt decision and fearlessness in the office which issues orders to the State militia. In most States there is an elective lieutenant-governor who steps into the governor's place if it becomes vacant, and who is usually also *ex officio* President of the Senate,

as the Vice-President of the United States is of the Federal Senate. Otherwise he is an insignificant personage, though sometimes a member of some of the executive boards.

The names and duties of the other officers vary from State to State. The most frequent are a secretary of state (in all States), a treasurer (in all), an attorney-general, a comptroller, an auditor, a superintendent of public instruction. In some States we find a State engineer, a surveyor, a superintendent of prisons, etc. It has already been observed that many States have also various bureaus and boards of commissioners. Most of these officials are in nearly all States elected by the people at the general State election. Sometimes, however, they, or some of them, are either chosen by the legislature, or, more rarely, appointed by the governor, whose nomination usually requires the confirmation of the Senate. Their salaries, which of course vary with the importance of the office and the parsimony of the State, seldom exceed $5,000 per annum and are usually smaller. So, too, the length of the term of office varies. It is often the same as that of the governor and with few exceptions does not exceed four years. Holding independently of the governor, and responsible neither to him nor to the legislature, but to the people, the State officials do not take generally his orders, and need not regard his advice. Each has his own department to administer, and as there is little or nothing political in the work, a general agreement in policy, such as must exist between the Federal President and his ministers, is not required. Policy rests with the legislature, whose statutes, prescribing minutely the action to be taken by the officials, leave little room for executive discretion.

Of the subordinate civil service of a State there is little to be said. It is not large, for the sphere of administrative action which remains to the State between the Federal government on the one side, and the county, city, and township governments on the other, is not wide. It is ill-paid, for the State legislatures are parsimonious. It is seldom well manned, for able men have no inducement to enter it and the so-called "spoils system," which has been hitherto applied to State no less than to Federal offices, makes places the reward for politi-

cal work, i.e., electioneering and wire-pulling. Efforts are now being made in some States to introduce reforms similar to those begun in the Federal administration, whereby certain walks of the civil service shall be kept out of politics, at least so far as to secure competent men against dismissal on party grounds. Such reforms would in no case apply to the higher officials chosen by the people, for they are always elected for short terms and on party lines.

Every State except Oregon provides for the impeachment of executive officers for grave offenses. In all save two the State House of Representatives is the impeaching body; and in all but Nebraska the State Senate sits as the tribunal, a two-thirds majority being generally required for a conviction. Impeachments are rare in practice.

There is also in many States a power of removing officials, sometimes by the vote of the legislature, sometimes by the governor on the address of both Houses, or by the governor alone, or with the concurrence of the Senate. Such removals must of course be made in respect of some offense, or for some other sufficient cause, not from caprice or party motives; and when the case does not seem to justify immediate removal, the governor is sometimes empowered to suspend the officer, pending an investigation of his conduct.

## CHAPTER VII

### The State Judiciary

The judiciary in every State includes three sets of courts:—A supreme court or court of appeal; superior courts of records; local courts; but the particular names and relations of these several tribunals and the arrangements for criminal business vary greatly from State to State. As respects the distinction which Englishmen used to deem fundamental, that of courts of common law and courts of equity, there has been great diversity of practice. Most of the original thirteen colonies once possessed separate courts of chancery, and these were maintained for many years after the separation from England, and were imitated in a few of the earlier among the newer States, such as Michigan, Arkansas, Missouri. In some of the old States, however, the hostility to equity jurisdiction, which marked the popular party in England in the seventeenth century, had transmitted itself to America. Chancery courts were regarded with suspicion, because thought to be less bound by fixed rules, and therefore more liable to be abused by an ambitious or capricious judiciary. Massachusetts, for instance, would permit no such court, though she was eventually obliged to invest her ordinary judges with equitable powers, and to engraft a system of equity on her common law, while still keeping the two systems distinct. Pennsylvania held out still longer, but she also now administers equity, as indeed every civilized State must do in substance, dispensing it, however, through the same judges as those who apply the common law, and having more or less worked it into the texture of the older system. Special chancery courts were abolished in New York, where they had flourished and enriched American jurisprudence by many admirable judgments, by the democratizing Constitution of 1846; and they now exist only in a few of the States, chiefly older Eastern or Southern States, which, in judicial matters, have shown themselves more conservative than their sisters in

the West. In four States only (California, Idaho, New York and North Carolina) has there been a complete fusion of law and equity, although there are several others which have provided that the legislature shall abolish the distinction between the two kinds of procedure. Many States provide for the establishment of tribunals of arbitration and conciliation.

The jurisdiction of the State courts, both civil and criminal, is absolutely unlimited, i.e., there is no appeal from them to the Federal courts, except in certain cases specified by the Federal Constitution, being cases in which some point of Federal law arises. Certain classes of cases are, of course, reserved for the Federal courts, and in some the State courts enjoy a concurrent jurisdiction. All crimes, except such as are punishable under some Federal statute, are justifiable by a State court, and in most States there exist much wider facilities for setting aside the verdict of a jury finding a prisoner guilty, by raising all sorts of points of law, than are permitted by the law and practice of European countries.

Each State recognizes the judgments of the courts of a sister State, gives credit to its public acts and records, and delivers up to its justice any fugitive from its jurisdiction charged with a crime. Of course, the courts of one State are not bound either by law or usage to follow the reported decisions of those of another State. They use such decisions merely for their own enlightenment, and as some evidence of the common law, just as they use the English law reports. Most of the States have within the last half century made sweeping changes, not only in their judicial system, but in the form of their law. They have revised and codified their statutes, a carefully corrected edition whereof is issued every few years. They have in many instances adopted codes of procedure, and in some cases have even enacted codes embodying the substance of the common law, and fusing it with the statutes. Such codes, however, have been condemned by the judgment of the abler and more learned part of the profession, as tending to confuse the law and make it more uncertain and less scientific. But with the masses of the people the proposal is popular, for it holds out a prospect of a system whose simplicity will enable

the layman to understand the law, and render justice cheaper and more speedy. A really good code might have these happy effects. But it may be doubted whether the codifying States have taken the steps requisite to secure the goodness of the codes they enact. And codification increases the variations of the law between different States, and these variations may impede business and disturb the ordinary relations of life.

Important as are the functions of the American Judiciary, the powers of a judge are limited by the State Constitutions in a manner surprising to Europeans. Usually he is not allowed to charge the jury on questions of fact, but only to state the law. He is sometimes required to put his charge in writing. His power of committing for contempt of court is often restricted. Express rules forbid him to sit in causes wherein he can have any family or pecuniary interest.

I come now to three points, which are not only important in themselves, but instructive as illustrating the currents of opinion which have influenced the peoples of the States. These are:—

The method of appointing the judges.

Their tenure of office.

Their salaries.

In colonial days the superior judges were appointed by the governors, except in Rhode Island and Connecticut, where the legislature elected them. In the period between 1812 and 1860, when the tide of democracy was running strong, the function was in several of the older States taken from the governor or the legislature to be given to the people voting at the polls, and the same became the practice among the new States as they were successively admitted to the Union. At present we find that in more than two thirds of the States the judges are elected by the people. These include nearly all the Western and Southern States, besides New York, Pennsylvania and Ohio.

Originally, the superior judges were, in most States, like those of England since the Revolution of 1688, appointed for life, and held office during good behavior, i.e., were removable only when condemned on an impeachment, or when an address

requesting their removal had been presented by both Houses of the legislature. A judge may now be removed upon such an address in thirty-six States, a majority of two thirds in each House being usually required. The salutary provision of the British Constitution against capricious removals has been faithfully adhered to. But the wave of democracy has in nearly all States swept away the old system of life-tenure. Only four now retain it. In the rest a judge is elected or appointed for a term, varying from two years in Vermont to twenty-one years in Pennsylvania. Eight to ten years is the average term prescribed; but a judge is always reëligible, and likely to be reelected if he be not too old, if he has given satisfaction to the bar, and if he has not offended the party which placed him on the bench.

The salaries paid to State judges of the higher courts range from $8,500 (chief-justice) in Pennsylvania and $10,000 in New York, to $2,000 in Oregon. The average is from $4,000 to $5,000, a sum which, especially in the greater States, fails to attract the best legal talent. Judges of the inferior courts usually receive salaries proportionately lower.

Any one of the three phenomena I have described—popular elections, short terms, and small salaries—would be sufficient to lower the character of the judiciary. Popular elections throw the choice into the hands of political parties, that is to say, of knots of wire-pullers inclined to use every office as a means of rewarding political services, and garrisoning with grateful partisans posts which may conceivably become of political importance. Short terms oblige the judge to remember and keep on good terms with those who have made him what he is, and in whose hands his fortunes lie. They induce timidity, they discourage independence. And small salaries prevent able men from offering themselves for places whose income is perhaps only one tenth of what a leading lawyer can make by private practice. Putting the three sources of mischief together, no one will be surprised to hear that in many of the American States the State judges are men of moderate abilities and scanty learning, inferior, and sometimes vastly inferior, to the best of the advocates who practice before them. It is an evil

that the bench should not be intellectually and socially at least on a level with the bar.

In most of the States where this system prevails the bench is respectable; and in some it is occasionally adorned by men of the highest eminence.

Why have sources of evil so grave failed to produce correspondingly grave results? Three reasons may be suggested:—

One is the co-existence in every State of the Federal tribunals, presided over by judges who are usually capable and always upright. Their presence helps to keep the State judges, however personally inferior, from losing the sense of responsibility and dignity which befits the judicial office, and makes even party wire-pullers ashamed of nominating as candidates notoriously incapable or tainted men.

Another is the influence of a public opinion which not only recognizes the interest the community has in an honest administration of the law, but recoils from turpitude in a highly placed official. The people act as a check upon the party conventions that choose candidates, by making them feel that they damage themselves and their cause if they run a man of doubtful character, and the judge himself is made to dread public opinion in the criticisms of a very unreticent press.

Last, there is the influence of the bar. Lawyers have not only a professional dislike to the entrusting of law to incapable hands, but they have a personal interest in getting fairly competent men before whom to plead. Hence the bar often contrives to make a party nomination for judicial office fall, not indeed on a leading lawyer, because a leading lawyer will not accept a place with $4,000 a year, when he can make vastly more by private practice, but on as competent a member of the party as can be got to take the post. Having constantly inquired, in every State I visited wherein the system of popular elections to judgeships prevails, how it happened that the judges were not worse, I was usually told that the bar had interposed to prevent such and such a bad nomination, or had agreed to recommend such and such a person as a candidate, and that the party had yielded to the wishes of the bar.

These causes, and especially the last, go far to nullify the

malign effects of popular election and short terms. But they cannot equally nullify the effect of small salaries. Accordingly, while corruption and partiality are uncommon among State judges, inferiority to the practicing counsel is a conspicuous and frequent fault.

During recent years there has been a distinct change for the better. Some States which had vested the appointment of judges in the legislature, like Connecticut, or in the people, like Mississippi, have by recent constitutional amendments or new Constitutions, given it to the governor with the consent of the legislature or of one House thereof. Others have raised the salaries, or lengthened the terms of the judges, or, like New York, have introduced both these reforms. The American people, if sometimes bold in their experiments, have a fund of good sense which makes them watchful of results, and not unwilling to reconsider their former decisions.

## CHAPTER VIII

### State Finance

The financial systems in force in the several States furnish one of the widest and most instructive fields of study that the whole range of American institutions presents to a practical statesman, as well as to a student of comparative politics.

All I can here attempt is to touch on a few of the more salient features of the topic. What I have to say falls under the heads of—

Purposes for which State revenue is required.

Forms of taxation.

Exemptions from taxation.

Methods of collecting taxes.

Limitations imposed on the power of taxing.

State indebtedness.

Restrictions imposed on the borrowing power.

I. The budget of a State is seldom large, in proportion to the wealth of its inhabitants, because the chief burden of ad-

ministration is borne not by the State, but by its subdivisions, the counties, and still more the cities and townships. The chief expenses which a State undertakes in its corporate capacity are—(1) The salaries of its officials, executive and judicial, and the incidental expenses of judicial proceedings, such as payments to jurors and witnesses; (2) the State volunteer militia; (3) charitable and other public institutions, such as State lunatic asylums, State universities, agricultural colleges, etc.; (4) grants to schools; (5) State prisons, comparatively few, since the prison is usually supported by the county; (6) State buildings and public works, including, in a few cases, canals; (7) payment of interest on State debts. Of the whole revenue collected in each State under State taxing laws, a comparatively small part is taken by the State itself and applied to State purposes. In 1882 only seven States raised for State purposes a revenue exceeding $2,000,000. The State revenues are small when compared either with the population and wealth of the States, or with the revenue raised in them by local authorities for local purposes. They are also small in comparison with what is raised by indirect taxation for Federal purposes.

II. The Federal government raises its revenue by indirect taxation, and by duties of customs and excise, though it has the power of imposing direct taxes, and used that power freely during the Civil War. State revenue, on the other hand, arises almost wholly from direct taxation, since the Federal Constitution forbids the levying of import or export duties by a State, except with the consent of Congress, and directs the produce of any such duties as Congress may permit to be paid into the Federal treasury. The chief tax is in every State a property tax, based on a valuation of property, and generally of all property, real and personal, within the taxing jurisdiction.

The valuation is made by officials called appraisers or assessors, appointed by the local communities, though under general State laws. It is their duty to put a value on all taxable property; that is, speaking generally, on all property, real and personal, which they can discover or trace within the area of their authority. As the contribution to the revenues of the

State or county, leviable within that area, is proportioned to the amount and value of taxable property situated within it, the local assessors have, equally with the property owners, an obvious motive for valuing on a low scale, for by doing so they relive their community of part of its burden. The State accordingly seeks to check and correct them by creating what is called a board of equalization, which compares and revises the valuations made by the various local officers, so as to secure that taxable property in each locality is equally and fairly valued, and made thereby to bear its due share of public burdens. Similarly a county has often an equalization board to supervise and adjust the valuations of the towns and cities within its limits. However, the existence of such boards by no means overcomes the difficulty of securing a really equal valuation, and the honest town which puts its property at a fair value suffers by paying more than its share. Valuations are generally made at a figure much below the true worth of property. Indeed one hears everywhere in America complaints of inequalities arising from the varying scales on which valuers proceed.

A still more serious evil is the fact that so large a part of taxable property escapes taxation. Lands and houses cannot be concealed; cattle and furniture can be discovered by a zealous tax officer. But a great part, often far the largest part of a rich man's wealth, consists in what the Americans call "intangible property," notes, bonds, book debts, and Western mortgages. At this it is practically impossible to get, except through the declaration of the owner; and though the owner is required to present his declaration of taxable property upon oath, he is apt to omit this kind of property.

In every part of the country one hears this. The tax returns sent in are rarely truthful; and not only does a very large percentage of property escape its lawful burdens, but "the demoralization of the public conscience by the frequent administration of oaths, so often taken only to be disregarded, is an evil of the greatest magnitude. Almost any change would seem to be an improvement."

I have dwelt upon these facts, not only because they illus-

trate the difficulties inherent in a property tax, but also because they help to explain the occasional bitterness of feeling among the American farmers as well as the masses against capitalists, much of whose accumulated wealth escapes taxation, while the farmer who owns his land, as well as the workingman who puts his savings into the house he lives in, is assessed and taxed upon this visible property. We may, in fact, say of most States, that under the present system of taxation the larger the city the smaller is the proportion of personalty reached by taxation (since concealment is easier in large communities), and the richer a man is the smaller in proportion to his property is the contribution he pays to the State. Add to this that the rich man bears less, in proportion to his income, of the burden of indirect taxation, since the protective tariff raises the price not merely of luxuries but of all commodities, except some kinds of food.

Besides the property tax, which is the main source of revenue, the States often levy taxes on particular trades or occupations, sometimes in the form of a license tax, taxes on franchises enjoyed by a corporation, taxes on railroad stock, or (in a few States) taxes on collateral inheritances. Comparatively little resort is had to the so-called "death-duties," i.e., probate, legacy, and succession duties, nor is much use made of an income tax. As regards poll taxes there is much variety of practice. Some State Constitutions forbid such an impost, as "grievous and oppressive"; others direct it to be imposed, and about one half do not mention it. The amount of a poll tax is always small, $1 to $3: sometimes the payment of it is made a prerequisite to the exercise of the electoral franchise.

III. In most States certain descriptions of property are exempted from taxation, as, for instance, the buildings or other property of the State, or of any local community, burying grounds, schools and universities, educational, charitable, scientific, literary, or agricultural institutions or societies, public libraries, churches and other buildings or property used for religious purposes, cemeteries, household furniture, farming implements, deposits in savings banks. Often, too, it is provided that the owner of personal property below a certain figure shall not

pay taxes on it, and occasionally ministers of religion are allowed a certain sum free from taxation.

No State can tax any bonds, debt certificates, or other securities issued by, or under the authority of, the Federal government, including the circulating notes commonly called "greenbacks." This has been held to be the law on the construction of the Federal constitution, and has been so declared in a statute of Congress. It introduces an element of great difficulty into State taxation, because persons desiring to escape taxation are apt to turn their property into these exempted forms just before they make their tax returns.

IV. Some of the State taxes, such, for instance, as license taxes, or a taxation on corporations, are directly levied by and paid to the State officials. But others, and particularly the property tax, which forms so large a source of revenue, are collected by the local authorities. The State, having determined what income it needs, apportions this sum among the counties, or in New England, sometimes directly among the towns, in proportion to their paying capacity, that is, to the value of the property situated within them. So, similarly, the counties apportion not only what they have to pay to the State, but also the sum they have to raise for county purposes, among the cities and townships within their area, in proportion to the value of their taxable property. Thus, when the township or city authorities assess and collect taxes from the individual citizen, they collect at one and the same time three distinct sets of taxes, the State tax, the county tax, and the city or township tax. Retaining the latter for local purposes, they hand on the two former to the county authorities, who in turn retain the county tax, handing on to the State what it requires. Thus trouble and expense are saved in all the process of collecting, and the citizen sees in one tax paper all he has to pay.

V. Some States, taught by their sad experience of reckless legislatures, limit by their Constitutions the amount of taxation which may be raised for State purposes in any one year. Sometimes we find directions that no greater revenue shall be raised than the current needs of the State require.

VI. Nothing in the financial system of the States better

deserves attention than the history of the State debts, their portentous growth, and the efforts made, when the people had taken fright, to reduce their amount, and to set limits to them in the future.

Seventy years ago, when those rich and ample Western lands which now form the States of Ohio, Indiana, Illinois, Michigan, and Missouri were being opened up and settled, and again fifty years ago, when railway construction was in the first freshness of its marvelous extension, and was filling up the lands along the Mississippi at an increasingly rapid rate, every one was full of hope; and States, counties, and cities, not less than individual men, threw themselves eagerly into the work of developing the resources which lay around them. The States, as well as these minor communities, set to work to make roads and canals and railways; they promoted or took stock in trading companies, they started or subsidized banks, they embarked in, or pledged their credit for, a hundred enterprises which they were ill fitted to conduct or supervise. Some undertakings failed lamentably, while in others the profits were grasped by private speculators, and the burden was left with the public body. State indebtedness, which in 1825 (when there were twenty-four States) stood at an aggregate over the whole Union of $12,790,728, had in 1842 reached $203,777,916, in 1870 $352,866,898.

The huge and increasing total startled the people, and some States repudiated their debts. Even after the growth of State debts had been checked, minor communities, towns, counties, but, above all, cities, trod in the same path, the old temptations recurring, and the risks seeming smaller because a municipality had a more direct and close interest than a State in seeing that its money or credit was well applied. Municipal indebtedness advanced, especially in the larger cities, at a dangerously swift rate.

VII. The disease spread till it terrified the patient, and a remedy was found in the insertion in the Constitutions of the States of provisions limiting the borrowing powers of State legislatures. Fortunately the evil had been perceived in time to enable the newest States to profit by the experience of their

predecessors. For the last forty years, whenever a State has enacted a Constitution, it has inserted sections restricting the borrowing powers of States and local bodies, and often also providing for the discharge of existing liabilities. Not only is the passing of bills for raising a State loan surrounded with special safeguards, such as the requirement of a two-thirds majority in each House of the legislature; not only is there a prohibition ever to borrow money for, or even to undertake, internal improvements (a fertile source of jobbery and waste, as the experience of Congress shows); not only is there almost invariably a provision that whenever a debt is contracted the same Act shall create a sinking fund for paying it off within a few years, but in most Constitutions the total amount of the debt is limited, and limited to a sum beautifully small in proportion to the population and resources of the State.

In four fifths of the States, including all those with recent Constitutions, the legislature is forbidden to "give or lend the credit of the State in aid of any person, association, or corporation, whether municipal or other, or to pledge the credit of the State in any manner whatsoever for the payment of the liabilities present or prospective of any individual association, municipal, or other corporation," as also to take stock in a corporation, or otherwise embark in any gainful enterprise. Many Constitutions also forbid the assumption by the State of the debts of any individual or municipal corporation.

Many of the recent Constitutions limit, or direct the legislature to limit, the borrowing powers of counties, cities, or towns, sometimes even of incorporated school districts, to a sum not exceeding a certain percentage on the assessed value of the taxable property within the area in question. This percentage is usually five per cent. Sometimes also the amount of the tax leviable by a local authority in any year is restricted to a definite sum—for instance, to one half per cent. on the valuation. And in nearly all the States, the cities, counties, or other local incorporated authorities are forbidden to pledge their credit for, or undertake the liabilities of, or take stock in, or otherwise give aid to, any undertaking or company. Sometimes there is a direction that any municipality creating a debt

must at the same time provide for its extinction by a sinking fund. Sometimes the restrictions imposed apply only to a particular class of undertakings—e.g., banks or railroads. The differences between State and State are endless; but everywhere the tendency is to make the protection against local indebtedness and municipal extravagance more and more strict; nor will any one who knows these local authorities, and the temptations, both good and bad, to which they are exposed, complain of the strictness.

The provisions above described have had the effect of steadily reducing the amount of State and county debts, although the wealth of the country makes rapid strides. This reduction is estimated to have been between 1870 and 1880 twenty-five per cent. in the case of State debts, and in that of county, town, and school district debts eight per cent. In cities, however, there was, within the same decade, not only no reduction, but an increase of over one hundred per cent., possibly as much as one hundred and thirty per cent.

This striking difference between the cities and the States may be explained in several ways. One is that cities cannot repudiate, while sovereign States can and do. Another may be found in the later introduction into State Constitutions of restrictions on the borrowing power of municipalities. But the chief cause is to be found in the conditions of the government of great cities, where the wealth of the community is largest, and is also most at the disposal of a multitude of ignorant voters. Several of the greatest cities lie in States which did not till recently, or have not even now, imposed adequate restrictions on the borrowing power of city councils.

## CHAPTER IX

### The Territories

The three organized territories, Arizona, New Mexico, and Oklahoma, present an interesting form of autonomy or local self-government, differing from that which exists in the several States, and in some points more akin to that of the self-governing colonies of Great Britain. This form has in each territory been created by Federal statutes, beginning with the great Ordinance for the Government of the Territory of the United States northwest of the Ohio River, passed by the Congress of the Confederation in 1787. Since that year many territories have been organized under different statutes and on different plans out of the western dominions of the United States, under the general power conferred upon Congress by the Federal Constitution. All of these but the three above-named territories have now become States. At first local legislative power was vested in the governor and the judges; it is now exercised by an elective legislature. The present organization of these three is in most respects identical; and in describing it I shall for the sake of brevity ignore minor differences.

The fundamental law of every territory, as of every State, is the Federal Constitution; but whereas every State has also its own popularly enacted State Constitution, the territories are not regulated by any similar instruments, which for them are replaced by the Federal statutes passed by Congress establishing their government and prescribing its form. However, some territories have created a sort of rudimentary constitution for themselves by enacting a Bill of Rights

In every territory, as in every State, the executive, legislative, and judicial departments are kept distinct. The executive consists of a governor, appointed for four years by the President of the United States, with the consent of the Senate, and removable by the President, together with a secretary, treasurer, auditor, attorney-general, and superintendent of public instruc

tion. The governor commands the militia, and has a veto upon the acts of the legislature, which, however, may (except in Arizona) be overridden by a two-thirds majority in each House. He is responsible to the Federal government, and reports yearly to the President on the condition of the territory, often making his report a sort of prospectus in which the advantages which his dominions offer to intending immigrants are set forth. He also sends a message to the legislature at the beginning of each session.

The legislature is composed of two Houses, a Council, and a House of Representatives elected by districts. Each House is elected by the voters of the territory for two years, and sits only once in that period. The session is limited (by Federal statutes) to sixty days, and the salary of a member is $4 per diem. The Houses work much like those in the States, doing the bulk of their business by standing committees, and frequently suspending their rules to run measures through with little or no debate. The electoral franchise is left to be fixed by territorial statute, but Federal statutes prescribe that every member shall be resident in the district he represents. The sphere of legislation allowed to the legislature is wide, indeed practically as wide as that enjoyed by the legislature of a State, but subject to certain Federal restrictions. It is subject also to the still more important right of Congress to annul or modify by its own statutes any territorial act. In all these territories Congress may exercise without stint its power to override the statutes passed by a territorial legislature.

The judiciary consists of three or more judges of a Supreme Court, appointed for four years by the President, with the consent of the Senate (salary $3,000), together with a United States district attorney and a United States marshal. The law they administer is partly Federal, all Federal statutes being construed to take effect, where properly applicable, in the territories, partly local, created in each territory by its own statutes; and appeals, where the sum in dispute is above a certain value, go to the Supreme Federal Court. Although these courts are created by Congress in pursuance of its general sovereignty—they do not fall within the provisions of the Con-

stitution for a Federal judiciary—the territorial legislature is allowed to regulate their practice and procedure. The expenses of territorial governments are borne by the Federal Treasury.

The territories send neither senators nor representatives to Congress, nor do they take part in presidential elections. The House of Representatives, under a statute, admits a delegate from each of them to sit and speak, but of course not to vote, because the right of voting in Congress depends on the Federal Constitution. The position of a citizen in a territory is therefore a peculiar one. What may be called his private or passive citizenship is complete: he has all the immunities and benefits which any other American citizen enjoys. But the public or active side is wanting, so far as the national government is concerned, although complete for local purposes. It may seem inconsistent with principle that citizens should be taxed by a government in whose legislature they are not represented; but the practical objections to giving the full rights of States to these comparatively rude communities outweigh any such theoretical difficulties. It must, moreover, be remembered that a territory, which may be called an inchoate or rudimentary State, looks forward to become a complete State. When its population becomes equal to that of an average congressional district, its claim to be admitted as a State is strong, and in the absence of specific objections will be granted. Congress, however, has absolute discretion in the matter, and often uses its discretion under party political motives. When Congress resolves to turn a territory into a State, it usually passes an Enabling Act, under which the inhabitants elect a constitutional convention, which frames a draft constitution; and when this has been submitted to and accepted by the voters of the territory, the act of Congress takes effect; the territory is transformed into a State, and proceeds to send its senators and representatives to Congress in the usual way. The Enabling Act may prescribe conditions to be fulfilled by the State Constitution, but usually without narrowing the right which the citizens of the newly formed State will enjoy of subsequently modifying that instrument in any way not inconsistent with the provisions of the Federal Constitution.

These arrangements seem to work well. Self-government is practically enjoyed by the territories, despite the supreme authority of Congress, just as it is enjoyed by Canada and the Australian colonies of Great Britain, despite the legal right of the British Parliament to legislate for every part of the King's dominions. The want of a voice in Congress and presidential elections, and the fact that the governor is set over them by an external power, are not felt to be practical grievances, partly, of course, because these young communities are too small and too much absorbed in the work of developing the country to be keenly interested in national politics. Their local political life much resembles that of the newer Western States. Political parties have their regular organizations.

The District of Columbia is a tract of land set apart to contain the city of Washington, which is the seat of the Federal government. It is governed by three commissioners appointed by the President, and has no local legislature nor municipal government, the only legislative authority being Congress.

## CHAPTER X

### The Government of Cities

The growth of great cities has been among the most significant and least fortunate changes in the character of the population of the United States during the century and more that has passed since 1787. The ratio of persons living in cities exceeding 8,000 inhabitants to the total population was, in 1790, 3.35 per cent., in 1840, 8.52, in 1880, 22.57, and in 1890, 29.12. And this change has gone on with accelerated speed notwithstanding the enormous extension of settlement over the vast regions of the West. Needless to say that a still larger and increasing proportion of the wealth of the country is gathered into the larger cities. Their government is therefore a matter of high concern to America.

We find in all the larger cities:—

A mayor, head of the executive, and elected directly by the voters within the city.

Certain executive officers or boards, some directly elected by the city voters, others nominated by the mayor or chosen by the city legislature.

A legislature consisting usually of two, but sometimes of one chamber, directly elected by the city voters.

Judges, usually elected by the city voters, but sometimes appointed by the State.

What is this but the frame of a State government applied to the smaller area of a city? The mayor corresponds to the governor, the officers or boards to the various State officials and boards elected, in most cases, by the people; the aldermen and common council (as they are generally called) to the State Senate and House or Assembly; the city elective judiciary to the State elective judiciary.

The mayor is by far the most conspicuous figure in city governments. He holds office, sometimes for one year, but now more frequently for two, three, or even five years. In some cities he is not reëligible. He is directly elected by the people of the whole city, and is usually not a member of the city legislature. He has, almost everywhere, a veto on all ordinances passed by that legislature, which, however, can be overridden by a two-thirds majority. In many cities he appoints some among the heads of departments and administrative boards, though usually the approval of the legislature or of one branch of it is required. Quite recently some city charters have gone so far as to make him generally responsible for all the departments, though limiting his initiative by the right of the legislature to give or withhold supplies, and making him liable to impeachment for misfeasance. He receives a considerable salary, varying with the size of the city, but sometimes reaching $10,000, the same salary as that allotted to the justices of the Supreme Federal Court. It rests with him, as the chief executive officer, to provide for the public peace, to quell riots, and, if necessary, to call out the militia. He often exerts a pretty wide discretion as to the enforcement of the law; he may, for instance, put in force Sunday Closing Acts or regulations, or omit to do so.

The practical work of administration is carried on by a

number of departments, sometimes under one head, sometimes constituted as boards or commissions. The most important of these are directly elected by the people, for a term of one, two, three, or four years. Some, however, are chosen by the city legislature, some by the mayor with the approval of the legislature or its upper chamber. In most cities the chief executive officers have been disconnected from one another, owing no common allegiance, except that which their financial dependence on the city legislature involves, and communicating less with the city legislature as a whole than with its committees, each charged with some one branch of adminstration, and each apt to job it.

Education has been generally treated as a distinct matter, with which neither the mayor nor the municipal legislature has been suffered to meddle. It is committed to a Board of Education, whose members are separately elected by the people or appointed by the mayor, and who levy (though they do not themselves collect) a separate tax, and have an executive staff of their own at their disposal.

The city legislature usually consists in small cities of one chamber, in large cities of two, the upper of which generally bears the name of the Board of Aldermen, the lower that of the Common Council. All are elected by the citizens, generally in wards, but the upper house occasionally by districts or on what is called a "general ticket," i.e., a vote over the whole city. Usually the common council is elected for one year, or at most for two years, the upper chamber frequently for a longer period. Both are usually unpaid in the smaller cities, sometimes paid in the larger. All city legislation, that is to say, ordinances, by-laws, and votes of money from the city treasury, are passed by the council or councils, subject in many cases to the mayor's veto. Except in a few cities governed by very recent charters, the councils have some control over at least the minor officials. Such control is exercised by committees, a method borrowed from the State and national legislatures, and suggested by the same reasons of convenience which have established it there, but proved by experience to have the evils of secrecy and irresponsibility as well as that of disconnecting the departments from one another.

The city judges are only in so far a part of the municipal government that in most of the larger cities they are elected by the citizens, like the other chief officers. There are usually several superior judges, chosen for terms of five years and upwards, and a larger number of police judges or justices, generally for shorter terms. Occasionally, however, the State has prudently reserved to itself the appointment of judges.

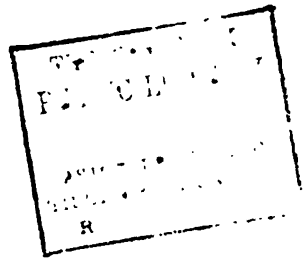
The election of city officers is usually made to coincide with that of State officers, perhaps also of Federal congressmen. This saves expense and trouble. But as it not only bewilders the voter in his choice of men by distracting his attention between a large number of candidates and places, but also confirms the tendency, already strong, to vote for city officers on party lines, there has of late years been a movement in some cities to have the municipal elections fixed for a different date from that of State or Federal elections, so that the undistracted and non-partisan thought of the citizens may be given to the former. When parties put forward questionable men, a non-partisan list, or so-called "citizens' ticket," may be run by a combination of respectable men of all parties. Sometimes this attempt succeeds.

The functions of city governments may be distributed into three groups—(*a*) those which are delegated by the State out of its general coercive and administrative powers, including the police power, the granting of licenses, the execution of laws relating to adulteration and explosives; (*b*) those which though done under general laws are properly matters of local charge and subject to local regulation, such as education and the care of the poor; and (*c*) those which are not so much of a political as of a purely business order, such as the paving and cleansing of streets, the maintenance of proper drains, the provision of water and light. In respect of the first, and to some extent of the second of these groups, the city may be properly deemed a political entity; in respect of the third it is rather to be compared to a business corporation or company, in which the taxpayers are shareholders, doing, through the agency of the city officers, things which each might do for himself, though with more cost and trouble. All three sets of functions are dealt

with by American legislation in the same way, and are alike given to officials and a legislature elected by persons of whom a large part pay no direct taxes. Education, however, is usually detached from the general city government and entrusted to a separate authority, while in some cities the control of the police has been withheld or withdrawn from that government, and entrusted to the hands of a separate board.

Taxes in cities, as in rural districts, are levied upon personal as well as real property; and the city tax is collected along with the county tax and State tax by the same collectors. There are, of course, endless varieties in the practice of different States and cities as to methods of assessment and to the minor imposts subsidiary to the property tax. Both real and personal property are usually assessed far below their true value, the latter because owners are reticent, the former because the city assessors are anxious to take as little as possible of the State and county burden on the shoulders of their own community, though in this patriotic effort they are checked by the county and State Boards of Equalization. Taxes are usually so much higher in the larger cities than in the country districts or smaller municipalities, that there is a strong tendency for rich men to migrate from the city to its suburbs in order to escape the city collector. Perhaps the city overtakes them, extending its limits and incorporating its suburbs; perhaps they fly farther afield by the railway and make the prosperity of country towns twenty or thirty miles away. The unfortunate consequence follows, not only that the taxes are heavier for those who remain in the city, but that the philanthropic and political work of the city loses the participation of those who ought to have shared in it. For a man votes in one place only, the place where he resides, and is taxed on his personalty, although he is taxed on his real property wherever it is situated, perhaps in half a dozen cities or counties. And where he has no vote, he is neither eligible for local office nor deemed entitled to take a part in local political agitation.

INDEPENDENCE HALL



## CHAPTER XI

### The Working of City Governments

Two tests of practical efficiency may be applied to the government of a city: What does it provide for the people, and what does it cost the people? In the United States generally constant complaints are directed against the bad paving and cleansing of the streets, the non-enforcement of the laws forbidding gambling and illicit drinking, and in some places against the sanitary arrangements and management of public buildings and parks. This is all that can be said here in regard to the first test.

The other test, that of expense, is easily applied. Both the debt and the taxation of American cities have risen with unprecedented rapidity, and now stand at an alarming figure.

There is no denying that the government of cities is the one conspicuous failure of the United States. The deficiencies of the national government tell but little for evil on the welfare of the people. The faults of the State governments are insignificant compared with the extravagance, corruption, and mismanagement which mark the administrations of most of the great cities. There is not a city with a population exceeding 200,000 where the poison germs have not sprung into a vigorous life; and in some of the smaller ones, down to 70,000, it needs no microscope to note the results of their growth. Even in cities of the third rank similar phenomena may occasionally be discerned.

For evils which appear wherever a large population is densely aggregated, there must be some general and widespread causes. What are these causes? I must restrict myself to a brief enumeration of the chief sources of the malady, and the chief remedies that have been suggested for or applied to it.

The following have been suggested * as the causes:—

* By the New York commissioners of 1876, appointed "to devise a plan for the government of cities in the State of New York."

1. Incompetent and unfaithful governing boards and officers.

2. The introduction of State and national politics into municipal affairs.

3. The assumption by the legislature of the direct control of local affairs.

Besides these three causes there are what may be called mechanical defects in the structure of municipal governments. There is a want of methods for fixing public responsibility on the governing persons and bodies. If the mayor jobs his patronage he can throw large part of the blame on the aldermen or other confirming council, alleging that he would have selected better men could he have hoped that the aldermen would approve his selection. If he has failed to keep the departments up to their work, he may argue that the city legislature hampered him and would not pass the requisite ordinances. Each house of a two-chambered legislature can excuse itself by pointing to the action of the other, or of its own committees, and among the numerous members of the chambers—or even of one chamber if there be but one—responsibility is so much divided as to cease to come forcibly home to any one. The various boards and officials have generally had little intercommunication; and the fact that some were directly elected by the people made these feel themselves independent both of the mayor and the city legislature. The mere multiplication of elective posts distracted the attention of the people, and deprived the voting at the polls of its efficiency as a means of reproof or commendation.

The following remedies have been proposed:—*

(*a*) A restriction of the power of the State legislature to interfere by special legislation with municipal governments or the conduct of municipal affairs.

(*b*) The holding of municipal elections at a different period of the year from State and national elections.

(*c*) The vesting of the legislative powers of municipalities in two bodies:—A board of aldermen, elected by the ordinary (manhood) suffrage, to be the common council of each city.

* By the before-mentioned commissioners.

A board of finance of from six to fifteen members, elected by voters who had for two years paid an annual tax on property assessed at not less than $500, or a rent (for premises occupied) of not less than $250. This board of finance was to have a practically exclusive control of the taxation and expenditure of each city, and of the exercise of its borrowing powers, and was in some matters to act only by a two-thirds majority.

(*d*) Limitations on the borrowing powers of the municipality, the concurrence of the mayor and two thirds of the State legislature, as well as of two-thirds of the board of finance being required for any loan except in anticipation of current revenue.

(*e*) An extension of the general control and appointing power of the mayor, the mayor being himself subject to removal for cause by the governor of the State.

[Through the new Constitution of the State of New York, adopted in 1894, some changes have been secured in the direction of remedies above specified.]

Among the other reforms in city government which I find canvassed in America are the following:—

(*a*) Civil service reform, i.e., the establishment of examinations as a test for admission to posts under the city, and the bestowal of these posts for a fixed term of years, or generally during good behavior, instead of leaving the civil servant at the mercy of a partisan chief, who may displace him to make room for a party adherent or personal friend.

(*b*) The lengthening of the terms of service of the mayor and the heads of departments, so as to give them a more assured position and diminish the frequency of elections.—This has been done to some extent in recent charters.

(*c*) The vesting of almost autocratic executive power in the mayor and restriction of the city legislature to purely legislative work and the voting of supplies. This also finds place in recent charters, and has worked, on the whole, well. It is, of course, a remedy of the "cure or kill" order. If the people are thoroughly roused to choose an able and honest man, the more power he has the better; it is safer in his hands than in those of city councils. If the voters are apathetic and let a

bad man slip in, all may be lost till the next election. I do not say "all is lost," for there have been remarkable instances of men who have been sobered and elevated by power and responsibility.

(*d*) The election of a city legislature, or one branch of it, or of a school committee, on a general ticket instead of by wards.—When aldermen or councilmen are chosen by the voters of a small local area, it is assumed, in the United States, that they must be residents within it; thus the field of choice among good citizens generally is limited. It follows also that their first duty is deemed to be to get the most they can for their own ward; they care little for the general interests of the city, and carry on a game of barter in contracts and public improvements with the representatives of other wards. Hence the general ticket system is preferable.

(*e*) The limitation of taxing powers and borrowing powers by reference to the assessed value of the taxable property within the city.—Restrictions of this nature have been largely applied to cities as well as to counties and other local authorities. The results have been usually good, yet not uniformly so, for evasions may be practiced. Such restrictions are now often found embodied in State Constitutions, and have, so far as I could ascertain, generally diminished the evil they are aimed at.

The results of these various experiments and of others are now being watched with eager curiosity by the municipal reformers of the United States. The question of city government is that which chiefly occupies practical publicists, and which newspapers and magazines incessantly discuss, because it is admittedly the weak point of the country. That adaptability of the institutions to the people and their conditions, which judicious strangers admire in the United States, and that consequent satisfaction of the people with their institutions, which contrasts so agreeably with the discontent of European nations, is wholly absent as regards municipal administration. Wherever there is a large city there are loud complaints, and Americans who deem themselves in other respects a model for the Old World are in this respect anxious to study Old World

models, those particularly which the cities of Great Britain present.

But the newer frames of government are an improvement upon the older. Good citizens are more active. Party spirit is less permitted to dominate and pervert municipal politics.

# THE AMERICAN SYSTEM OF GOVERNMENT

## Party Politics and Public Opinion

### CHAPTER I

#### Political Parties and their History

IN the United States, the history of party begins with the Constitutional Convention of 1787 at Philadelphia. In its debates and discussions on the drafting of the Constitution there were revealed two opposite tendencies, which soon afterward appeared on a larger scale in the State conventions, to which the new instrument was submitted for acceptance. These were the centrifugal and centripetal tendencies—a tendency to maintain both the freedom of the individual citizen and the independence in legislation, in administration, in jurisdiction, indeed in everything except foreign policy and national defense, of the several States; an opposite tendency to subordinate the States to the nation and vest large powers in the central Federal authority.

The advocates of a central national authority, led by Hamilton, had begun to receive the name of Federalists, and to act pretty constantly together, when an event happened which, while it tightened their union, finally consolidated their opponents also into a party. This was the creation of the French Republic and its declaration of war against England. The Federalists, who were shocked by the excesses of the Terror of 1793, counseled neutrality, and were more than ever inclined to value the principle of authority, and to allow the Federal power a wide sphere of action. The party of Jefferson, who

had now retired from the administration, was pervaded by sympathy with French ideas, was hostile to England, whose attitude continued to be discourteous, and sought to restrict the interference of the central government with the States, and to allow the fullest play to the sentiment of State independence, of local independence, of personal independence. This party took the name of Republicans or Democratic Republicans, and they are the predecessors of the present Democrats. Both parties were, of course, attached to republican government—that is to say, were alike hostile to a monarchy. But the Jeffersonians had more faith in the masses and in leaving things alone, together with less respect for authority, so that in a sort of general way one may say that while one party claimed to be the apostles of Liberty, the other represented the principle of Order.

These tendencies found occasions for combating one another, not only in foreign policy and in current legislation, but also in the construction and application of the Constitution. Like all documents, and especially documents which have been formed by a series of compromises between opposite views, it was and is susceptible of various interpretations, which the acuteness of both sets of partisans was busy in discovering and expounding. While the piercing intellect of Hamilton developed all those of its provisions which invested the Federal Congress and President with far-reaching powers, and sought to build up a system of institutions which should give to these provisions their full effect, Jefferson and his coadjutors appealed to the sentiment of individualism, strong in the masses of the people, and, without venturing to propose alterations in the text of the Constitution, protested against all extensions of its letter, and against all the assumptions of Federal authority which such extensions could be made to justify. Thus two parties grew up with tenets, leaders, impulses, sympathies, and hatreds,—hatreds which soon became so bitter as not to spare the noble and dignified figure of Washington himself.

At first the Federalists had the best of it, for the reaction against the weakness of the old Confederation which the Union had superseded disposed sensible men to tolerate a strong cen-

tral power. The President, though not a member of either party, was, by force of circumstances, as well as owing to the influence of Hamilton, practically with the Federalists. But during the presidency of John Adams, who succeeded Washington, they committed grave errors. When the presidential election of 1800 arrived, it was seen that the logical and oratorical force of Hamilton's appeals to the reason of the nation told far less than the skill and energy with which Jefferson played on their feelings and prejudices. The Republicans triumphed in the choice of their chief, who retained power for eight years to be peaceably succeeded by his friend Madison for another eight years, and his disciple Monroe for eight years more. Their long-continued tenure of office was due not so much to their own merits, for neither Jefferson nor Madison conducted foreign affairs with success, as to the collapse of their antagonists. The Federalists never recovered from the blow given in the election of 1800. They lost Hamilton by death in 1803. No other leader of equal gifts appeared, and the party, which had shown little judgment in the critical years 1810–'14, finally disappears from sight after the second peace with England in 1815.

This period (1788–1824) may be said to constitute the first act in the drama of American party history. The people, accustomed hitherto to care only for their several commonwealths, learn to value and to work their new national institutions. They become familiar with the Constitution itself, as partners get to know, when disputes arise among them, the provisions of the partnership deed under which their business has to be carried on. It is found that the existence of a central Federal power does not annihilate the States, so the apprehensions on that score are allayed. It is also discovered that there are unforeseen directions, such for instance as banking and currency, through which the Federal power can strengthen its hold on the nation. Differences of view and feeling give rise to parties, yet parties are formed by no means solely on the basis of general principles, but owe much to the influence of prominent personalities, of transient issues, of local interests or prejudices.

Although the Federalists were in general the advocates of a loose and liberal construction of the Constitution, because such a construction opened a wider sphere to Federal power, they were ready, whenever their local interests stood in the way, to resist Congress and the Executive, alleging that the latter were overstepping their jurisdiction. In 1814 several of the New England States, where the opposition to the war then being waged with England was strongest, sent delegates to a convention at Hartford, which, while discussing the best means for putting an end to the war and restricting the powers of Congress in commercial legislation, was suspected of meditating a secession of the trading States from the Union. On the other hand, the Republicans did not hesitate to stretch to their utmost, when they were themselves in power, all the authority which the Constitution could be construed to allow to the Executive and the Federal government generally.

The disappearance of the Federal party between 1815 and 1820 left the Republicans masters of the field. But in the United States if old parties vanish nature produces new ones. Sectional divisions soon arose among the men who joined in electing Monroe in 1820, and under the influence of the personal hostility of Henry Clay and Andrew Jackson (chosen President in 1828), two great parties were again formed (about 1830) which some few years later absorbed the minor groups. One of these two parties carried on, under the name of Democrats, the dogmas and traditions of the Jeffersonian Republicans. It was the defender of States' Rights and of a restrictive construction of the Constitution; it leaned mainly on the South and the farming classes generally, and it was therefore inclined to free trade. The other section, which called itself at first the National Republican, ultimately the Whig party, represented many of the views of the former Federalists, such as their advocacy of a tariff for the protection of manufactures, and of the expenditure of public money on internal improvements. It was willing to increase the army and navy, and like the Federalists found its chief, though by no means its sole, support in the commercial and manufacturing parts of the country, that is to say, in New England and the Middle States.

Meantime a new question far more exciting, far more menacing, had arisen. In 1819, when Missouri applied to be admitted into the Union as a State, a sharp contest broke out in Congress as to whether slavery should be permitted within her limits, nearly all the Northern members voting against slavery, nearly all the Southern members for. The struggle might have threatened the stability of the Union but for the compromise adopted next year, which, while admitting slavery in Missouri, forbade it for the future north of lat. 36°30′. The danger seemed to have passed, but in its very suddenness there had been something terrible. Jefferson, then over seventy, said that it startled him "like a fire-bell in the night." After 1840 things grew more serious, for, whereas up till that time new States had been admitted substantially in pairs, a slave State balancing a free State, it began to be clear that this must shortly cease, since the remaining territory out of which new States would be formed lay north of the line 36°30′. As every State held two seats in the Senate, the then existing balance in that chamber between slave States and free States would evidently soon be overset by the admission of a larger number of the latter. The apprehension of this event, with its probable result of legislation unfriendly to slavery, stimulated the South to the annexation of Texas, and made them increasingly sensitive to the growth, slow as that growth was, of Abolitionist opinions at the North.

The question of the extension of slavery west of the Missouri river had become by 1850 the vital and absorbing question for the people of the United States, and as in that year California, having organized herself without slavery, was knocking at the doors of Congress for admission as a State, it had become an urgent question which evoked the hottest passions, and the victors in which would be victors all along the line. But neither of the two great parties ventured to commit itself either way. The Southern Democrats hesitated to break with those Democrats of the Northern States who sought to restrict slavery. The Whigs of the North, fearing to alienate the South by any decided action against the growing pretensions of the slave-holders, temporized and suggested compromises

which practically served the cause of slavery. They did not perceive that in trying to preserve their party they were losing hold of the people, alienating from themselves the men who cared for principle in politics, sinking into a mere organization without a faith worth fighting for. That this was so presently appeared. The Democratic party had by 1852 passed almost completely under the control of the slave-holders, and was adopting the dogma that Congress enjoyed under the Constitution no power to prohibit slavery in the Territories. This dogma obviously overthrew as unconstitutional the Missouri compromise of 1820. The Whig leaders discredited themselves by Henry Clay's compromise scheme of 1850, which, while admitting California as a free State, appeased the South by the Fugitive Slave Law. They received a crushing defeat at the presidential election of 1852; and what remained of their party finally broke in pieces in 1854 over the bill for organizing Kansas as a Territory in which the question of slaves or no slaves should be left to the people, a bill which of course repealed the Missouri compromise. Singularly enough, the two great orators of the party, Henry Clay and Daniel Webster, both died in 1852, wearied with strife and disappointed in their ambition of reaching the presidential chair. Together with Calhoun, who passed away two years earlier, they are the ornaments of this generation, not indeed rising to the stature of Washington or Hamilton, but more remarkable than any, save one, among the statesmen who have followed them. With them ends the second period in the annals of American parties, which, extending from about 1820 to 1856, includes the rise and fall of the Whig party. Most of the controversies which filled it have become matter for history only. But three large results, besides the general democratization of politics, stand out. One is the detachment of the United States from the affairs of the Old World. Another is the growth of a sense of national life, especially in the Northern and Western States, along with the growth at the same time of a secessionist spirit among the slave-holders. And the third is the development of the complex machinery of party organization, with the adoption of the principle on which that machinery so largely rests, that public

office is to be enjoyed only by the adherents of the President for the time being.

The Whig party having begun to vanish, the Democrats seemed to be for the moment, as they had been once before, left in possession of the field. But this time a new antagonist was quick to appear. The growing boldness of the slave-owners had begun to alarm the Northern people, when they were startled by the decision of the Supreme Court, pronounced in the case of the slave, Dred Scott, which laid down the doctrine that Congress had no power to forbid slavery anywhere, and that a slave-holder might carry his slaves with him where he pleased, seeing that they were mere objects of property, whose possession the Constitution guaranteed. This hastened the formation of a new party, which took in 1856 the name of Republican, and whose presidential candidate in the same year was John C. Frémont. At the same time it threw an apple of discord among the Democrats. In 1860 the latter could not agree upon a candidate for President. The Southern wing pledged themselves to one man, the Northern wing to another; a body of hesitating and semi-detached politicians put forward a third. Thus the Republicans through the divisions of their opponents triumphed in the election of Abraham Lincoln, presently followed by the secession of eleven slave States.

The Republican party, which had started by proclaiming the right of Congress to restrict slavery, and had denounced the Dred Scott decision, was of course throughout the Civil War the defender of the Union and the asserter of Federal authority, stretched, as was unavoidable, to lengths previously unheard of. When the war was over, there came the difficult task of reconstructing the now reconquered slave States, and of securing the position in them of the lately liberated negroes. The outrages perpetrated on the latter, and on white settlers in some parts of the South, required further exertions of Federal authority, and made the question of the limit of that authority still a practical one, for the old Democratic party, almost silenced during the war, had now reappeared in full force as the advocate of State rights, and the watchful critic of any undue stretches of Federal authority. It was found necessary

to negative the Dred Scott decision and set at rest all questions relating to slavery and to the political equality of the races by the adoption of three important amendments to the Constitution. The troubles of the South by degrees settled down as the whites regained possession of the State governments, and the Northern troops were withdrawn. In the presidential election of 1876 the war question and negro question had become dead issues, for it was plain that a large and increasing number of the voters were no longer, despite the appeals of the Republican leaders, seriously concerned about them. This election marks the close of the third period, which embraces the rise and overwhelming predominance of the Republican party.

Two permanent oppositions may, I think, be discerned running through the history of the parties, sometimes openly recognized, sometimes concealed by the urgency of a transitory question. One of these is the opposition between a centralized and a federalized government. The former has been the watchword of the Democratic party. The latter was seldom distinctly avowed, but was generally in fact represented by the Federalists of the first period, the Whigs of the second, the Republicans of the third.

The other opposition, though it goes deeper and is more pervasive, has been less clearly marked in America, and less consciously admitted by the Americans themselves. It is the opposition between the tendency which makes some men prize the freedom of the individual as the first of social goods, and that which disposes others to insist on checking and regulating his impulses. The opposition of these two tendencies, the love of liberty and the love of order, is permanent and necessary, because it springs from differences in the intellect and feelings of men which one finds in all countries and at all epochs.

## CHAPTER II

### Nominating Conventions

In every American election there are two acts of choice, two periods of contest. The first is the selection of the candidate from within the party by the party; the other is the struggle between the parties for the place. Frequently the former of these is more important, more keenly fought over, than the latter, for there are many districts in which the predominance of one party is so marked that its candidate is sure of success, and therefore the choice of a candidate is virtually the choice of the officer or representative.

The process is similar in every State of the Union, and through all elections to office, from the lowest to the highest, from that of common councilman for a city ward up to that of President of the United States. But, of course, the higher the office, and the larger the area over which the election extends, the greater are the efforts made to secure the nomination, and the hotter the passions it excites.

Like most political institutions, the system of nominating the President by a popular convention is the result of a long process of evolution.

From 1789 till 1800 there were no formal nominations; from 1800 till 1824, nominations were made by congressional caucuses; from 1824 till 1840, nominations irregularly made by State legislatures and popular meetings were gradually ripening towards the method of a special gathering of delegates from the whole country. This last plan has held its ground from 1840 till the present day, and is so exactly conformable to the political habits of the people that it is not likely soon to disappear.

Its perfection, however, was not reached at once. The early conventions were to a large extent mass meetings. The later and present ones are regularly-constituted representative bodies, composed exclusively of delegates, each of whom has

been duly elected at a party meeting in his own State, and brings with him his credentials.

The Constitution provides that each State shall choose as many presidential electors as it has persons representing it in Congress, i.e., two electors to correspond to the two senators from each State, and as many more as the State sends members to the House of Representatives.

Now, in the nominating convention each State is allowed twice as many delegates as it has electoral votes. The delegates are chosen by local conventions in their several States, viz., two for each congressional district by the party convention of that district, and four for the whole State (called delegates-at-large) by the State convention. As each convention is composed of delegates from primaries, it is the composition of the primaries which determines that of the local conventions, and the composition of the local conventions which determines that of the national. To every delegate there is added a person called his "alternate," chosen by the local convention at the same time, and empowered to replace him in case he cannot be present in the national convention. If the delegate is present to vote, the alternate is silent; if from any cause the delegate is absent, the alternate steps into his shoes.

Each State delegation has its chairman, and is expected to keep together during the convention. It usually travels together to the place of meeting; takes rooms in the same hotel; has a recognized headquarters there; sits in a particular place allotted to it in the convention hall; holds meetings of its members during the progress of the convention to decide on the course which it shall from time to time take. These meetings, if the State be a large and doubtful one, excite great interest, and the sharp-eared reporter prowls around them, eager to learn how the votes will go. Each State delegation votes by its chairman, who announces how his delegates vote; but if his report is challenged the roll of delegates is called, and they vote individually. Whether the votes of a State delegation shall be given solid for the aspirant whom the majority of the delegation favors, or by the delegates individually, according to their preferences, is a point which has excited bitter contro-

## CHAPTER III

### How Public Opinion Rules

Of all the experiments which America has made, that of ruling by public opinion best deserves study, for her solution of the problem differs from all previous solutions, and she has shown more boldness in trusting public opinion, in recognizing and giving effect to it, than has yet been shown elsewhere. Towering over Presidents and State governors, over Congress and State legislatures, over conventions and the vast machinery of party, public opinion stands out, in the United States, as the great source of power, the masters of servants who tremble before it.

Congress sits for two years only. It is strictly limited by the Constitution, which is a fundamental law placed out of its reach, and by the co-existence of the State governments, which the Constitution protects. It has (except by way of impeachment) no control over the Federal Executive, which is directly named by and responsible to the people. So, too, the State legislatures sit for short periods, do not appoint the State Executives, are hedged in by the prohibitions of the State Constitutions. The people frequently legislate directly by enacting or altering a Constitution. The principle of popular sovereignty could hardly be expressed more unmistakably. The only check on the mass is that which they have themselves imposed, and which the ancient democracies did not possess, the difficulty of changing a rigid Constitution. And this difficulty is serious only as regards the Federal Constitution.

As this is the most developed form of popular government, so is it also the form which most naturally produces what I have called government by public opinion. Popular government may be said to exist wherever all power is lodged in and issues from the people. Government by public opinion exists where the wishes and views of the people prevail, even before they have been conveyed through the regular law-appointed organs, and without the need of their being so conveyed.

Where the power of the people is absolute, legislators and administrators are quick to catch its wishes in whatever way they may be indicated, and do not care to wait for the methods which the law prescribes. This happens in America.

A consideration of the nature of the State governments as of the national government will show that legal theory as well as popular self-confidence gives birth to this rule of opinion. Supreme power resides in the whole mass of citizens. They have prescribed, in the strict terms of a legal document, the form of government. They alone have the right to change it, and that only in a particular way. They have committed only a part of their sovereignty to their executive and legislative agents, reserving the rest to themselves. Hence their will, or, in other words, public opinion, is constantly felt by these agents to be, legally as well as practically, the controlling authority. In England, parliament is the nation, not merely by a legal fiction, but because the nation looks to parliament only, having neither reserved any authority to itself nor bestowed any elsewhere. In America, Congress is not the nation, and does not claim to be so.

The ordinary functions and business of government, the making of laws, the imposing of taxes, the interpretation of laws and their execution, the administration of justice, the conduct of foreign relations, are parceled out among a number of bodies and persons whose powers are so carefully balanced and touch at so many points that there is a constant risk of conflicts, even of deadlocks. The master, however, is at hand to settle the quarrels of his servants. If the question be a grave one, and the mind of the country clear upon it, public opinion throws its weight into one or other scale, and its weight is decisive. Should opinion be nearly balanced, it is no doubt difficult to ascertain, till the next election arrives, which of many discordant cries is really the prevailing voice. The general truth remains that a system of government by checks and balances specially needs the presence of an arbiter to incline the scale in favor of one or other of the balanced authorities, and that public opinion must, therefore, be more frequently invoked and more constantly active in America than in other countries.

Those who invented this machinery of checks and balances were anxious not so much to develop public opinion as to resist and build up breakwaters against it. The efforts made in 1787 to divide authority and, so to speak, force the current of the popular will into many small channels, instead of permitting it to rush down one broad bed, have really tended to exalt public opinion above the regular legally-appointed organs of government. Each of these organs is too small to form opinion, too narrow to express it, too weak to give effect to it. It grows up not in Congress, not in State legislatures, not in those great conventions which frame platforms and choose candidates, but at large among the people. It is expressed in voices everywhere. It rules as a pervading and impalpable power, like the ether which, as physicists say, passes through all things. It binds all the parts of the complicated system together and gives them whatever unity of aim and action they possess.

In the United States public opinion is the opinion of the whole nation, with little distinction of social classes. The politicians find no difficulty in keeping in touch with outside opinion. They do not aspire to the function of forming opinion. Nor is there any one class or set of men, or any one "social layer," which more than another originates ideas and builds up political doctrine for the mass. The opinion of the nation is the resultant of the views, not of a number of classes, but of a multitude of individuals, diverse, no doubt, from one another, but for the purposes of politics far less diverse than if they were members of groups defined by social rank or by property.

The consequences are noteworthy. One is, that statesmen cannot, as in Europe, declare any sentiment which they find telling on their friends or their opponents in politics to be confined to the rich, or to those occupied with government, and to be opposed to the general sentiment of the people. In America you cannot appeal from the classes to the masses. Divisions of opinion are vertical and not horizontal. Obviously this makes opinion more easily ascertained, while increasing its force as a governing power, and gives the people, that is to say, all classes in the community, a clearer and stronger consciousness of being the rulers of their country than European

peoples have. Every man knows that he is himself a part of the government, bound by duty as well as by self-interest to devote part of his time and thoughts to it. He may neglect this duty, but he admits it to be a duty. So the system of party organizations already described is built upon this theory; and as this system is more recent, and is the work of practical politicians, it is even better evidence of the general acceptance of the doctrine than are the provisions of Constitutions.

## GOOD CITIZENSHIP

# Obligations of Citizenship

By WILMOT H. GOODALE

I DESIRE to consider our civic obligations, not from the "spoils" standpoint of the mere politician, nor yet from the careless or indifferent standpoint of the average voter, but rather from the solemn and appreciative point of view of the Christian citizen. Surely arguments are not needed to convince any that this is the proper standpoint from which to consider the subject.

Our civic obligations, which are but a part of our social obligations, viewed from the standpoint of Christian philosophy, are not obligations imposed upon us from without by the behest of some higher power, but rather obligations arising from within ourselves, growing out of the very necessities of our own rational being, self-imposed by the very law which asserts and requires us to maintain the dignity of our own manhood.

It is only in a government by the people that the full realization of this idea is possible. Under a government of force the truth remains dormant. The subjects of a despot obey because of the command and the penalty; the reasoning faculty, the sense of duty, the moral obligations to be obedient unto rulers, are rarely and but imperfectly appealed to. There is no thought of personal responsibility in the law or in the command, while under a government republican in form, every individual has responsibility in every law, since law is but the outgrowth of a public sentiment, to which he has contributed his share.

The next question seems to be, Who is a citizen? We answer in the words of the Constitution: "All persons born or naturalized in the United States and subject to the jurisdiction thereof." These are citizens both of the United States and of the state wherein they reside.

I suspect that there are some who are in the habit of placing upon the term "citizen" a more restricted meaning than this: certain young men who are not wont to consider themselves "citizens," because of youth and inexperience; certain women who hold themselves exempt from the responsibilities of citizenship because they have not been charged with the special duty of suffrage. To all such I wish to say, if "born or naturalized in the United States and subject to the jurisdiction thereof," you are citizens, fully charged with the duties and responsibilities of citizenship, both "of the United States and of the state wherein you reside." The tiniest infant, when he first opens his shrinking eyes upon the light of day anywhere within this great Republic, is a citizen, just as much a citizen as the highest dignitary in the land. We are too apt to confound electors with citizens, and to look upon the duty of suffrage as expressing, if not the whole, at least the greater part of the duties of citizenship. It is essential to the proper comprehension of our civic duties that we rid our minds of this popular error. The duty of suffrage is but a single duty imposed by the entire mass of citizens upon certain individuals chosen by them from their own number—whether wisely or not we will not at this moment consider—but chosen because they are supposed to be especially qualified for the exercise of this important duty. We risk nothing in asserting that there never was a community in which the entire mass of citizens, regardless of all qualifications whatsoever, were allowed to vote. Always and everywhere some qualification has been imposed—either age, or sex, or education, or property—there has always been a restriction along some line to a selected class. Now we have to deal with the duties not of the selected but of the selecting class—if we speak of the other at all, it will be for the reason that they are a part of this greater whole—and we are glad that a proper analysis of our subject has placed this duty be-

fore us. We are glad to be able to say to those who feel that they are exempt from responsibility, because not charged with the special duty of suffrage, that the real rulers of this country are not those who cast its ballots, but those who create that public sentiment which determines who shall cast them. If there are sovereigns who make our laws, then "twice-crowned" are they at whose behest the laws are made.

What are the obligations of citizenship? In the first place, let it be noticed that these obligations are reciprocal. The organic unity which we call the state owes certain duties to the citizen. And the citizen, on the other hand, owes certain duties to the state.

The most imperative need of organized society, especially under a free government, is character, high moral standards accepted by the masses and wrought into the very bone and tissue of their lives. Gladstone has said: "The civilized world is asking, not what kind of producer, but what kind of man the American citizen of the future will become." It becomes the duty, therefore, of every citizen—a duty which appeals with especial emphasis to the young—not only from a personal but also from a purely civic standpoint—to secure for himself the fullest possible development along all the lines of the most exalted conception of manhood. There is no possible way in which he can benefit the state so much as by making a real, true man of himself. Of course, we use the term "man" here in its generic sense, without distinction of sex.

What the state needs more than armies or navies, more than cities or mines of gold and silver, is high-toned, honorable, well-rounded citizens—men and women of exalted ideals and blameless lives, who will contribute to that public sentiment which ever determines both the law and its enforcement by the irresistible strength of their own personalities. "These constitute the state." We say, therefore, to every young man and young woman, to every boy and girl, to every person, in fact, to whom this message does not come too late, that if they have not found in themselves a sufficient stimulus to growth and high development, the state calls upon them to secure it for her sake. She needs them. At home, upon the street, in the

school, the social circle, in the marts of trade or in stations which men deem more exalted—wherever the busy shuttles are flying in the looms on which is being woven that public opinion which is the imperial power in a republic, there she needs their contribution to the pure thought, the lofty sentiment, the noble aspiration which constitute the nation's life.

Our civic obligations are positive and not merely negative. It is not sufficient that the citizen should keep—that is, not break—the law. His duties are positive. He must impress his own personality upon society and make himself felt in the community and age in which he lives. The assertion of this obligation is rendered the more important from the retiring nature of those very qualities of which society stands most in need. It is not always those men who have the most self-assertion who contribute most to the general welfare. Many a man is willing, for a consideration, to serve his country whose services the country could well dispense with. There is no scarcity of persons willing to hold office. What is needed is men and women, boys and girls, citizens, in short, who are willing to work up that public sentiment which will force the wrong men out of office and put the right men in. It is very seldom that a community is misrepresented in its legislative halls or in its elective offices. As a rule, the person elected represents the average public sentiment of the masses who elect him. Elevate the moral tone of any community, increase the ardor of its patriotism, widen its breadth of view, and you will find these increments expressing themselves in the quality of the men elected to represent that community.

As a step toward securing a healthy public sentiment, an uncompromising war should be waged against all popular sayings and maxims that tend to lower our moral standards and wrest the true relation between the citizen and the state. That saying of Senator Marcy, "To the victors belong the spoils," has rightly been characterized by Mr. Fiske as "one of the most shameful remarks recorded in history." Mr. Marcy, in speaking before the United States Senate, in 1831, in defense of the course of President Jackson in removing a large number of his political opponents from office, had occa-

sion to refer to the politicians of his own state. "They," said he, when contending for victory, "avow the intention of enjoying the fruits of it. They see nothing wrong in the rule that to the victor belong the spoils of the enemy." Now, the "shamefulness" of this remark consists mainly in its point of view, and the harm which it has done, and is still doing, is due largely to a confusion in the metaphor contained in it. If the offices and patronage of the government "belong" to any one, it is surely to the people as a whole and not to the defeated party referred to as "the enemy," from whom they are to be taken as "spoils" in this unholy war. And then for the character of the war itself, we are referred by this highly metaphorical expression beyond the days of civilized warfare to those barbarous times in which the property of the enemy was looked upon as "spoils," to be divided among the savage victors. The absurdity of drawing anything like an argument from such a comparison is sufficiently apparent, and yet it is not easy to compute the evil growing out of this mischievous statement, even at the present day. Prominent men use it as an indisputable maxim drawn from the gospel of politics; public journals of recognized standing and great influence quote it as axiomatic, and unblushingly assert their adherence to it as a principle of action. It is accepted without question by the thoughtless "many," and crystallizes into conduct merely because the thinking few fail at times to challenge it. Its adoption as a rule of conduct long since passed the limits of the party in which it originated, and upon it as a chief corner-stone has been raised that monstrous system of fraud and corruption known as the "spoils system." And yet all that is needed to rid the country of this great source of evil is a proper public sentiment. Much has, indeed, been done in this direction by the civil service reform movement, but much yet remains to be done, and even this movement depends for its efficiency upon that public sentiment which it is our duty as citizens to create and to sustain.

Again, there is a popular feeling that is full of evil that the political life is not exactly real life, but a sort of theater, from which really good men would better absent themselves, or per-

haps a stage on which a very good man may, and sometimes must, play a very questionable part without loss either of character or of reputation. Public sentiment should render both misconceptions impossible. The latter is far the more subtle and dangerous. It is easy to understand why men "of the baser sort" would like to make a monopoly of the "spoils," but there is a speciousness akin to argument in the latter way of presenting the matter that makes it really dangerous. "Politics," they say, "is a trade which only those who have special aptitude for it should follow, a game in which only the most astute can hope to win, and, as success is what we want, we would better turn the whole business over to them. At any rate, it is better not to scrutinize their conduct too closely, for public men, you know, must do certain things which men who do not know all the circumstances are hardly qualified to sit in judgment upon, and then 'the end,' you know, 'will justify the means.'" We believe there are some persons who think that this expression, "the end justifies the means," comes out of the Bible.

We need to have it distinctly understood that a man cannot be a good politician and a bad man at one and the same time; that men cannot steal elections without becoming thieves; that they cannot violate their oaths of office or of citizenship without becoming perjurers; that they cannot buy or sell votes or otherwise degrade the sacred trust imposed upon them by their fellow citizens in charging them with the high duties of electors under the law without becoming themselves political prostitutes and utterly degraded in the eyes of all good men. We need to get rid of all euphemistic expressions that tend to obscure the truth or put a gloss upon vice, and call things by their right names, whether they be good or whether they be evil. It is your high prerogative, as citizens, to create that public sentiment which, with a power like that of the cathode ray, will penetrate all the wrappings under which the skeleton evil seeks to hide itself, and show it to the world in all its hideous deformity.

Another of the obligations of citizenship, so general as to contain a host within itself, is that of cultivating the spirit of patriotism in ourselves and in others. We do not mean that

narrow sentiment more properly called provincialism that sometimes masquerades under the name of patriotism, but that broader sentiment worthy of the name which is based upon the minutest knowledge of details and a generous conception of their relations to each other. We have now enough men ready to get a post-office established at their own cross-roads, or a building erected in their own town at the expense of the public, regardless of the question whether or not such post-office or building is needed there; but there is still room in our halls of legislation, both national and state, for a few more men whose broad statesmanship will take in the wants of the entire country, and the lack is due, not to the inability to find the men, but to the want of that spirit of discriminating patriotism of which we are now speaking. It is even charged as a fault upon our public men that they reflect too closely the sentiment that dominates among their constituents. However this may be, the fact remains that the duty of creating this dominating sentiment and of keeping it active devolves upon you and upon me—upon all of us who come under the designation "citizens of the United States and of the state wherein we reside." There is much more danger in our failing to supply the sentiment than in our failing to secure proper representation.

We are too apt to regard the cultivation of the feeling of love for country merely as a duty, as something which we owe to the state, entirely ignoring its subjective effect. "A man without a country" or, what amounts to the same thing, a man without an appreciative love for his country, lacks an essential element of true manhood. Filial love; conjugal love; parental love; love of home! Each brings out some new and latent quality in the heart and adds its increment to the development of the full, well-rounded character. And each of these contributes its choicest treasures to the furnishing of the heart for its supreme effort, next to love for God—that grandest expression of them all—the love for country. There is nothing in the entire catalogue of acquisitions to supply its place. It admits of no substitute. As well might you offer to the lungs a substitute for vital air, or to the alimentary organs a substitute for food. As well might you offer to a mother whose

heart has once quickened with love for her first-born a substitute for her cooing, prattling babe, as seek to supply with other sentiment in the heart of man the love of country. He may have wealth like that of "Ormus and of Ind," his mind may be richly stored with knowledge, fame may have placed her choicest garlands upon his brow, honor may have laid her rarest treasures at his feet, but if his heart has never responded with pride at his country's praise, or his pulses quickened with resentment at a slight put upon her fair name, despite all that wealth and fame and honor can bestow without the love of country in his heart, he is "wretched and miserable and poor and blind and naked." He is like a plant reared in the dark, into whose growth the genial sunshine hath not entered; he is like a boy who has never known a mother's love or a father's tender care. There is something lacking in his make-up, an important something, without which, as a center and a support, many another important virtue dies or shrinks into feeble growth.

Patriotism begins at home and is based upon knowledge. Its fires are kindled upon the home altar. There is much to inspire the feeling in every locality that searching will bring to light. If the history of our own town or parish has never been written, we should either write it ourselves or get some one to write it who can do it better. Much good is already being done by societies of patriotic men and women, and by the observance of such days as "Arbor day" and "May day," and more can yet be done. We need to keep constantly before our own minds, and ever flashing before the public eye and ringing in the public ear, the fact that we have a country to be proud of, a public honor to maintain. This sentiment zealously cultivated will tend to exalt our standard and lift our people upon a higher plane.

Again, it is one of the obligations of citizenship, one of its most important obligations, in fact, to place the suffrage of the people upon an honest and intelligent basis. This, too, is the work of that proper public sentiment which it is our duty as citizens to maintain.

Our ideas need clearing upon this subject. We need to get

rid of all such notions as that suffrage is a natural and inalienable right. Suffrage is the right only of electors, that is, as the term implies, of persons chosen for its exercise. The only general right in the premises is that the basis of qualification should be made uniform. It would be well for the country if we heard less about the "right" and more about the duty of suffrage.

It is not a personal, but purely a representative act, exercised, even as now constituted, by only about one fifth of the entire mass of citizens as representatives of them all. This very election, etc., raises the franchise above a mere question of privilege and places it upon the more exalted plane of duty. When called upon to vote, the elector has before him not a mere question of personal preference that he can waive at his pleasure or exercise in accordance with a fleeting whim of fancy, but a question of duty to the community, which he is under a strict moral obligation to perform in accordance with the best lights before him. Every elector should feel when he casts a ballot that he is under oath. He should feel that he is performing a solemn, we might almost say a religious, act. His vote should be a votive offering placed before the shrine of liberty, a vow or pledge that he has given to the state, without selfishness or fear of man, in the vote then cast, the result of the best knowledge and judgment upon the issues involved that he has or can secure. What a profanation is it, then, of the ballot to entrust its exercise to the ignorant and the profligate! Through its exercise the state seeks for an opinion either as to men or to measures. What a mockery to ask such opinion of those incapable of forming one, or whose views at best merely reflect the opinions of others! To confer the right of suffrage upon a man merely because he is twenty-one years of age is as absurd as it would be to give it to him because he weighs a certain number of pounds, or measures a certain number of inches in height. The proper restriction of the ballot to those qualified for its exercise, as the result of that enlightened public sentiment which it is our duty as citizens to create, would go very far toward securing the freedom and purity of elections by making them what they should ever be, an expression of the virtue and intelligence of the people.

# GOOD CITIZENSHIP

## The New Citizen

By THEODORE ROOSEVELT

THE good citizen must in the first place recognize what he owes his fellow citizens. If he is worthy to live in a free republic, he must keep before his eyes his duty to the nation of which he forms a part. He must keep himself informed and must think for himself on the great questions of his day, and he must know how to express his thoughts. He must possess an intelligent opinion upon the issues that arise; for in a government like ours the fool is only less harmful than the knave. Above all, he must be, in the truest sense of the word, deeply and broadly patriotic. There must be nothing narrow in his patriotism. The welfare of the whole country must be dear to him; and he will have but a poor soul if he can ever see the flag without feeling a thrill at the thought of all that the flag implies.

But patriotism should be to each man more than mere feeling. He must not merely think and talk; he must act, he must work. He is bound in honor to act disinterestedly and uprightly; he is bound to do his full share of the civic work of his community. If public men do their work ill, then he is responsible if he does not try to see that they do their work better; and if they do their work well, then he must try to hold up their hands, so long as they persevere in well-doing.

He must combine with his fellows in order to make the weight of his influence felt, and yet he must never so sink his

individuality as to fear to stand up for what he deems to be right and just, whether the bulk of his fellow citizens stand with him or against him. He must work for the whole people, and yet he must not hesitate to go against the people if he is convinced they are wrong. He must aim to be a well-rounded man. He must cultivate the qualities which tell for success no less than those which tell for the general welfare. He must be brave and strong, as well as truthful and unselfish. He must preach and enforce the doctrine of obedience to the law. He must remember that in the last resort it will be his plain duty, if the emergency arises, to take arms in defense of the law, in defense of the country. The weakling and the coward have no place in our public life or in our private life; it is the duty of every decent man not only to stand up valiantly for the right, but to war mercilessly upon the wrong.

In political life, whether a man acts without or within party lines is not of very great moment, if only he always acts honestly, fearlessly, and effectively; but remember that it is necessary to be both efficient and upright, too. Parties are necessary. Without association and organization, and the necessary partial subordination of individual preferences, no great work can be done; but on the other hand, no man has a right to condone crime, to excuse moral shortcomings of any kind because of alleged party necessity.

The young American, now entering upon his duties of citizenship, holds in his hands the fate of the coming years. With him it rests to decide the failure or success of the tremendous experiment begun by Washington. He must work out the future of our country; he must carry on the government planned by the wisdom of great statesmen, founded and saved by the valor of great soldiers. No material prosperity, important though material prosperity be, will by itself avail if as a nation we lose the virile, fighting virtues, or that regard for character and honor and probity which alone can keep a race mighty.

The young American must as a citizen be an American indeed, in spirit, purpose, and hope; he must "prove by his endeavor" that he is a man able to hold his own in the rough

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THEODORE ROOSEVELT.

ANNEX

work of the world, fearless on behalf of the right, resolute never to flinch before the forces of evil; and, finally, by his life he must show his conviction that all else is useless if he does not build on the foundation of those basic virtues which lie deep in the character of every nation that really deserves to be called great.

## GOOD CITIZENSHIP

# The Young Man in Politics

By GROVER CLEVELAND

POLITICS in their best and highest meaning may be defined as the science and practice of government, having for its functions and purposes the promotion of the peace and safety of a state or nation, and the promotion of its welfare.

It is proposed, however, at this time to give to the term another signification, and, to the American mind, one more familiar. It will best suit our purpose to deal with politics as constituting such an interest and activity in public affairs on the part of our citizens as result in efforts to guide and influence, through party organization, the action and policy of our government, in such a manner as will, in the judgment of the members of the organization, conduce to the welfare of our people and the prosperity of our country. Of course this effort must include the diligent persuasion of voters to party support, and the earnest presentation of every honest and legitimate inducement to labor for party supremacy. It may readily be conceded that there are those connected with every party who value most in politics the individual benefits they receive, or hope to receive, from partisan victories; but as a general rule these do not dominate party action. No political organization is worth considering that is not based upon certain governmental and fundamental doctrines and beliefs; and no party can be useful or enduring unless it is controlled by those of its members who are disinterested and patriotic. It may also be conceded that in these latter days the heat of party strife has given birth within party lines to harmful intrigue and demoralizing trickery; but these evils are not necessarily related to

party organization; they are less influential than they are sometimes supposed to be, and they are largely chargeable to indifference and neglect of civic duty on the part of those who boast of their respectability and plume themselves on their freedom from political contamination.

Whatever undesirable conditions may attach themselves to party organizations, and however plausibly sham respectability and careless citizenship may attempt to excuse their abstention from political activity, two things are absolutely certain: first, that such abstention promotes and strengthens party evils, by giving more room and better opportunity in public affairs to those whose activity is selfish and whose methods are odious; and second, that the failure of ai. body of our citizens effectively to interest themselves in politics, directly tends to a dangerous perversion of the theory of our government—which devolves all the functions of governmental power upon the entire body of our people. These considerations plainly lead to the suggestion that not only is it in all circumstances the duty of every citizen to participate in political action, but that if evils have crept into party organizations, and selfish men have obtained a dangerous share of control, so much more is it the duty of citizens whose motives are disinterested and whose purposes are patriotic to come to the rescue.

Thus the interposition of our people in public affairs, which is essential to our national health, should be universal and constant. It should also be studious and intelligent—to the end that as new conditions and exigencies arise in our progressive and restless national life, they may be wisely treated and deliberately judged, in the light of the fundamental principles which we have adopted as the law of our existence as a free and self-governing people.

### The Grave Conditions Confronting Us

We have never been free from questions vital to our country's welfare that pressed for decision and settlement before the high tribunal of popular suffrage. It may, however, be truthfully said that the problems now presented to our thoughtful citizenship are of more serious import and involve more

stupendous and far-reaching consequences than any that have before arisen in our history. They encroach upon all conservative ideas of the mission and purpose of the American nation. They confront us with a startling interpretation of American growth and development, and ask us to look with toleration, if not admiration, upon the "hateful mien" of American conquest.

Those who love our country as our fathers planned it are sadly fearing that, even though its staunch framework may withstand the winds and waves of the present storm, it will never be the same again. Our country's anticipated aggrandizement is set against our national morality; and good men are afflicted by the doubtful balance of right and wrong. Other questions which are also of vast importance are crowding upon us for solution. What is the effect upon the general welfare of the trusts and combinations in business enterprises which have lately so tremendously increased among us? With a balance of evil standing against them, how shall they be extirpated or restrained? Has the time come, or can it ever come, when our government can be justified in appropriating money exacted from all the people to upbuild certain branches of business for the benefit of a few beneficiaries? Still other subjects belonging to the field of politics are pending which deeply concern the welfare of our countrymen. Without especially enumerating these, it is perfectly clear that at this time we stand in urgent need of the kind of citizenship that not only apprehends the importance of present national problems, but is willing to devote time and effort to their proper solution.

Though none should avoid this duty, the young men of our country ought especially to be active in its discharge. The future of the nation is with them; and, as long as the country lasts, its growth and advance must make our future more and more solemn and impressive. The new conditions that now confront us for weal or woe must yield their harvest for the generation just entering upon the scene of citizenship. Their hopes and their aspirations are interwoven with the treatment now accorded to these conditions; and manifestly they are concerned more than all others in their safe adjustment and settlement. On their own account, therefore, they should not

leave this to others whose interest in the country is less enduring. Thus, for general reasons based upon obligations of citizenship, and for special reasons related to their stake in the future of American free institutions, our young men should identify themselves with political movements.

Their participation, however, should be intelligent, and its direction should be determined by the exercise of the most careful individual judgment. Frequently—perhaps as often as otherwise—young men merely drift in their political action, and without thought or examination adopt the political beliefs of their fathers and follow the same party association. This is not the kind of identification with political movements which young men should accord to their interests in the future national situation, or to their country's well-being. The day should come to every young man when he soberly realizes the necessity of settling for himself and by the exercise of his own intelligent judgment, as a prerogative of citizenship, the political beliefs and the general rules for the conduct of public affairs which he will advocate and support.

Of course his duty is not done when he arrives at a conclusion on this subject; for his identification with politics is by no means useful or complete when he merely contemplates with satisfaction the beliefs he has adopted, and congratulates himself upon the assertion of his political manhood. It remains for him to animate these beliefs with force and power, to the end that they may become effective in the accomplishment of political results. The obvious way by which this can be effected is through association with others holding like beliefs, or, in other words, through party membership. But neither the holding of distinct political beliefs nor the mere attachment to a party organization is sufficient to fill the measure of our young voter's political duty, and absolve him from further effort. He should labor for the propagation of his beliefs by actively taking part in the operations of the organization to which he belongs, and by aiding in the maintenance of its strength and vigor.

The idea much too commonly prevails that it is no impeachment of respectability to belong to a party while standing aloof

from the details of party management, but that real participation in such management tends to personal discredit and demoralization. This is a great mistake. If it is true that our young men should become seriously interested in political affairs for the good of their country, and for their own benefit as the future occupants of our land, it is perfectly plain that the more practically and energetically this interest is manifested the better will political duty be discharged. Besides, there is no disrepute attached to any legitimate phase of party organization work; and any young man who cannot better appreciate this work than to suppose it to consist of systematic trickery and dishonest intrigue, will do a service to political decency and to his country by forswearing party activity and becoming a political drone. A more general participation in politics on the part of our young men is not desirable for the purpose of adding to the shrewd manipulation and questionable methods of party operation; but rather that these may be corrected by a greater infusion of devotion to party principles for the sake of their usefulness, by a more intelligent and outspoken advocacy of party, and by a clean, earnest strife for party supremacy as a means of national prosperity.

### The Necessity for Work on Partisan Lines

Party association in defeat as well as in victory, coupled with its assertion of political principles when they are intelligently understood and patriotically and zealously professed, gives birth to a love and veneration for a chosen organization which binds its members so closely and so strongly that much of sacrifice will be endured for its sake. Besides, it is difficult for a devoted adherent, who believes deeply and earnestly, to convince himself that even with many and grievous faults his party cannot serve the country better than any in opposition to it; and underlying all these considerations is the conviction that party association is necessary to the proper accomplishment of our plan of popular government.

These things intensify in the strongest possible way the importance to a young citizen of a deliberate and thoughtful choice of party affiliation, and not less the importance of con-

stant and decent activity in party service. In this way he will aid in keeping the organization to which he is attached true to its principles, and maintaining it as a safe agency for the execution of the people's will; and in this way he will aid in securing for himself the opportunity to labor without perplexity for the doctrines which he believes will subserve his country's welfare, while preserving his affection and devotion for his party without distressing moral misgivings.

What has been thus far said assumes not only the need of party organization in American politics, but it also suggests as a general proposition that effective political action will be found within party lines. These seem at least to be the natural conditions. There has grown up among us, however, a large contingent of independent or unattached voters, whose influence in the decision of public questions by the people cannot be ignored; and many of these unattached and independent voters are young men. This situation indicates either a failure on the part of this portion of our citizenship to give due importance to the effectiveness of political action through party association, or a failure on the part of existing organized parties to present to them satisfactory doctrines or methods. Whatever the reason may be, this abstention from party affiliation gives rise to a belief that the situation ought to receive attention. If a large share of the thousands of our young men who yearly cross the threshold of responsible citizenship are heedless of civic obligations, measures should be taken to stimulate their sense of political duty. If, on the other hand, the condition of parties is such as to repel the most thoughtful and best-intentioned of this constantly increasing contingent of her voters, no time should be lost in applying a remedy. Parties cannot afford to encourage the reënforcement of an independent army which stands ready to engage on either side, and to make or mar the most carefully planned party efforts. It should always be remembered that political action is absolutely voluntary; nor should the peculiar American tendency to insist upon a self-chosen and self-satisfying mode of enjoying individual privilege be overlooked.

There should by no means be an abandonment of funda-

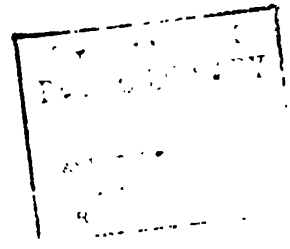
mental and well-established party principles for the sake of catching voters. Such schemes undermine the virility of party organization, and are resented as tricky devices when subjected to the test of American acuteness. As new conditions arise, however, party principles should be applied to them; and this should be done with the greatest possible care and thoughtfulness, and with a studious exclusion of every disturbing complication arising from sinister addition or confusing statement. Above all things, our people require in political and party action frank, straightforward dealing.

### Conscience the Only Safe Political Guide

This, then, is the conclusion of the matter: Every young man should regard political conviction and activity as a prime factor of his citizenship. He should give no place to the notion that there is anything inherently disreputable or contaminating in party association. He should not permit a too self-satisfied estimate of the infallibility of his own judgment to prevent the legitimate concession necessary to usefulness in party organization. He should, however, insist upon an honest adherence and devotion to the standard under which he has enlisted, and should never surrender his liberty of conscience. On the other hand, parties should never be used as instrumentalities of political trickery and chicane, but should rather be regarded as agencies related to the operation of the best of human governments. They should be built upon foundations of beneficent principles and patriotic motives. They should be consistently tenacious of their creeds, earnestly outspoken in their advocacy, and watchful against the approach of false doctrine; and last, but by no means least, they should be fair and clean in their methods and in their relations with their members; they should be generous in the interchange of counsel, and tolerant of individual judgment.

These requirements must not be regarded as fanciful if, in these days of emergency and menace, we are to find safety and confidence in the love of our people for their country, and in their intelligent and patriotic obedience to the demands of political duty.

GROVER CLEVELAND.



# TRUE AND FALSE STANDARDS OF PATRIOTISM

## The Glory of Patriotism

By WILLIAM McKINLEY

[A pathetic interest attaches to this selection from the address by one who, a few years later, was himself numbered among our Martyr-Presidents. It was delivered on July 4, 1894, at the dedication of the Cuyahoga County Soldiers' and Sailors' Monument at Cleveland, O.]

IT was in this square that the remains of the martyred Lincoln, the great emancipator, rested as they journeyed to his Western home. It was on this very spot, almost where we stand to-day, that the whole population of Northern Ohio viewed for the last time him who had been captain of all our armies under the Constitution, and whose death was a sacrifice to the great cause of freedom and the Union.

Here, too, my fellow citizens, on this very spot, the remains of the immortal Garfield lay in state, attended by the Congress of the United States, by the supreme judiciary of the nation, by the officers of the army and the navy of the United States, by the governors and legislators of all the surrounding states. The steady tread of a mourning state and nation was uninterrupted through the entire night. It was here that the people looked upon his face for the last time forever.

Interesting, my fellow citizens, and patriotic as the scenes witnessed in the past have been, I venture to say that none of them has stirred so many memories or quickened such patriotic feeling as the services we perform to-day in the dedication of this beautiful structure to the memory of the loyal soldiers and sailors who contributed their lives to save the government

from dissolution. Cuyahoga county can well be proud of this great memorial. It is a fitting tribute to the soldiers living and the soldiers dead. Is it any wonder that these old soldiers love to carry the flags under which they fought and for which their brave comrades gave up their lives? Is it any wonder that the old soldier loves the flag under whose folds he fought and for which his comrades shed so much blood? He loves it for what it is and for what it represents. It embodies the purposes and history of the government itself. It records the achievements of its defenders upon land and sea. It heralds the heroism and sacrifices of our Revolutionary fathers who planted free government on this continent and dedicated it to liberty forever. It attests the struggles of our army and the valor of our citizens in all the wars of the Republic. It has been sanctified by the blood of our best and our bravest. It records the achievements of Washington and the martyrdom of Lincoln. It has been bathed in the tears of a sorrowing people. It has been glorified in the hearts of a freedom-loving people, not only at home but in every part of the world. Our flag expresses more than any other flag; it means more than any other national emblem. It expresses the will of a free people and proclaims that they are supreme and that they acknowledge no earthly sovereign other than themselves. It never was assaulted that thousands did not rise up to smite the assailant. Glorious old banner! . . . . .

What does this monument mean? It means the immortal principle of patriotism. It means love of country. It means not only love of country but love of liberty! This alone could have inspired over 2,800,000 Union soldiers to leave home and family and to offer to die if need be for our imperiled institutions. Love of country alone could have inspired 300,000 men to die for the Union. Nothing less sacred than this love of country could have sustained 175,000 brave men, who suffered and starved and died in rebel prisons. Nor could anything else have given comfort to the 500,000 maimed and diseased, who escaped immediate death in siege and battle to end in torment the remainder of their patriot lives. It is a noble patriotism, and it impels you, my fellow countrymen, to erect this magnifi-

cent monument to their honor and memory. And similar love of country will inspire your remotest descendants to do homage to their valor and bravery forever.

This is what the monument means. The lesson it conveys to the present and all future generations. It means that the cause in which they died was a righteous one, and it means that the cause which triumphed through their valor shall be perpetuated for all time.

Charles Sumner said that President Lincoln was put to death by the enemies of the Declaration of Independence, but, said Sumner, though dead, he would always continue to guard that title-deed of the human race. So that it does seem to me that every time we erect a new monument to the memory of the Union soldiers and sailors, we are cementing the very foundations of the government itself. We are doing that which will strengthen our devotion to free institutions and insure their permanency for the remotest posterity. We are not only rendering immortal the fame of the men who participated in the war by these magnificent structures, but we are doing better than that. We are making immortal the principles for which they contended and the union of free men for which they died.

Their erection may be a matter of comparatively little importance or concern to the Union soldiers who are still living, but no one can accurately foretell the value and importance of their influence upon the young men and the young women from whom the Republic must draw her future defenders. Every time we erect a monument, every time we do honor to the soldiers of the Republic, we reaffirm our devotion to the country, to the glorious flag, to the immortal principles of liberty, equality, and justice, which have made the United States unrivaled among the nations of the world. The union of these states must be perpetual. That is what our brave boys died for. That is what this monument must mean; and such monuments as this are evidences that the people intend to take care that the great decrees of the war shall be unquestioned and supreme.

The unity of the Republic is secure so long as we continue

to honor the memory of the men who died by the tens of thousands to preserve it. The dissolution of the Union is impossible so long as we continue to inculcate lessons of fraternity, unity, and patriotism, and erect monuments to perpetuate these sentiments.

Such monuments as these have another meaning, which is one dear to the hearts of many who stand by me. It is, as Mr. Lincoln said at Gettysburg, that the dead shall not have died in vain; that the nation's later birth of freedom and the people's gain of their own sovereignty shall not perish from the earth. That is what this monument means. That is the lesson of true patriotism; that what was won in war shall be worn in peace.

But we must not forget, my fellow countrymen, that the Union which these brave men preserved, and the liberties which they secured, places upon us, the living, the gravest responsibility. We are the freest government on the face of the earth. Our strength rests in our patriotism. Anarchy flees before patriotism. Peace and order and security and liberty are safe so long as love of country burns in the hearts of the people. It should not be forgotten, however, that liberty does not mean lawlessness. Liberty to make our own laws does not give us license to break them. Liberty to make our own laws commands a duty to observe them ourselves and enforce obedience among all others within their jurisdiction. Liberty, my fellow citizens, is responsibility, and responsibility is duty, and that duty is to preserve the exceptional liberty we enjoy within the law and for the law and by the law.

# TRUE AND FALSE STANDARDS OF PATRIOTISM

## Patriotism and Politics

By JAMES CARDINAL GIBBONS

I HAVE no apology to make for offering some reflections on the political outlook of the nation; for my rights as a citizen were not abdicated or abridged on becoming a Christian prelate, and the sacred character which I profess, far from lessening, rather increases, my obligations to my country.

In answer to those who affirm that a churchman is not qualified to discuss politics, by reason of his sacred calling, which removes him from the political arena, I would say that this statement may be true in the sense that a clergyman, as such, should not be a heated partisan of any political party; but it is not true in the sense that he is unfitted by his sacred profession for discussing political principles. His very seclusion from popular agitation gives him a vantage-ground over those that are in the whirlpool of party strife, just as they who have never witnessed Shakespeare's plays performed on the stage are better qualified to judge of the genius of the author and the literary merit of his productions than they who witness the plays amid the environment of stage scenery.

Every man in the Commonwealth leads a dual life—a private life under the shadow of the home, and a public life under the ægis of the state. As a father, a husband, or a son, he owes certain duties to the family; as a citizen, he owes certain obligations to his country. These civic virtues are all comprised under the generic name, patriotism.

Patriotism means love of country. Its root is the Latin word *patria*, a word not domesticated in English. The French have it in *patrie;* the Anglo-Saxon and Teutonic races have it literally translated in Fatherland. "Fatherland," says Cicero, is "the common parent of us all: *Patria est communis omnium nostrum parens.*" It is the paternal home extended, the family reaching out to the city, the province, the country. Hence, with us, fatherland and country have come to be synonymous. Country in this sense comprises two elements, the soil itself and the men who live thereon. We love the soil in which our fathers sleep, *terra patrum, terra patria*, the land in which we were born. We love the men who as fellow dwellers share that land with us. When Dom Pedro died in Paris, he was laid to his last sleep on Brazilian soil, which he had carried away with him for that very purpose. Let a citizen from Maine meet a citizen from California on the shores of the Bosporus or on the banks of the Tiber, they will, at once, forget that at home they dwelt three thousand miles apart. State lines are obliterated, party differences are laid aside, religious animosities, if such had existed, are extinguished. They warmly clasp hands, they remember only that they are fellow American citizens, children of the same mother, fellow dwellers in the same land over which floats the star-spangled banner.

Patriotism implies not only love of soil and of fellow citizens, but also, and principally, attachment to the laws, institutions, and government of one's country; filial admiration of the heroes, statesmen, and men of genius, who have contributed to its renown by the valor of their arms, the wisdom of their counsel, or their literary fame. It includes, also, an ardent zeal for the maintenance of those sacred principles that secure to the citizen freedom of conscience, and an earnest determination to consecrate his life, if necessary, *pro aris et focis*, in defense of altar and fireside, of God and Fatherland. Patriotism is a universal sentiment of the race:

> "Breathes there a man with soul so dead
> Who never to himself hath said,
> 'This is my own, my native land!'"

Patriotism is not a sentiment born of material and physical well-being; it is a sentiment that the poverty of country and the discomforts of climate do not diminish, that the inflictions of conquest and despotism do not augment. The truth is, it is a rational instinct placed by the Creator in the breast of man. When God made man a social being, He gave him a sentiment that urges him to sacrifice himself for his family and his country, which is, as it were, his larger family. "Dear are ancestors, dear are children, dear are relatives and friends; all these loves are contained in love of country."

The Roman was singularly devoted to his country. *Civis Romanus sum* was his proudest boast. He justly gloried in being a citizen of a republic conspicuous for its centuries of endurance.

Patriotism finds outward and, so to say, material expression, in respect for the flag that symbolizes the country, and for the chief magistrate who represents it. Perhaps it is only when an American travels abroad that he fully realizes how deep-rooted is his love for his native country. The sentiment of patriotism, which may be dormant at home, is aroused and quickened in foreign lands. The sight of an American flag flying from the mast of a ship in mid-ocean or in some foreign port, awakes in him unwonted emotion and enthusiasm.

Love of country, as I have described it, which is fundamentally an ethical sentiment, and which was such in all nations, even before Christian Revelation was given to the world, and which is such to-day among nations that have not heard the Christian message, is elevated, ennobled, and perfected by the religion of Christ. Patriotism in non-Christian times and races has inspired heroism even unto death. We do not pretend that Christian patriotism can do more. But we do say that Christianity has given to patriotism and to the sacrifices it demands, nobler motives and higher ideals.

If the virtue of patriotism was held in such esteem by pagan Greece and Rome, guided only by the light of reason, how much more should it be cherished by Christians, instructed as they are by the voice of Revelation! The Founder of the Christian religion has ennobled and sanctified loyalty to coun-

try by the influence of His example and the force of His teaching.

Next to God, our country should hold the strongest place in our affections. Impressed, as we ought to be, with a profound sense of the blessings which our system of government continues to bestow on us, we shall have a corresponding dread lest these blessings should be withdrawn from us. It is a sacred duty for every American to do all in his power to perpetuate our civil institutions and to avert the dangers that threaten them.

The system of government which obtains in the United States is tersely described in the well-known sentence: "A government of the people, by the people, for the people;" which may be paraphrased thus: Ours is a government in which the people are ruled by the representatives of their own choice, and for the benefit of the people themselves.

Our rulers are called the servants of the people, since they are appointed to fulfill the people's wishes; and the people are called the sovereign people, because it is by their sovereign voice that their rulers are elected.

The method by which the supreme will of the people is registered is the ballot-box. This is the oracle that proclaims their choice. This is the balance in which the merits of the candidates are weighed. The heavier scale determines at once the decision of the majority and the selection of the candidate.

And what spectacle is more sublime than the sight of ten millions of citizens determining, not by the bullet, but by the ballot, the ruler that is to preside over the nation's destinies for four years!

> "A weapon that comes down as still
> As snowflakes fall upon the sod;
> But executes a freeman's will,
> As lightning does the will of God:
> And from its force nor doors nor locks
> Can shield you, 't is the ballot-box."

But the greatest blessings are liable to be perverted. Our Republic, while retaining its form and name, may degenerate

into most odious tyranny; and the irresponsible despotism of the multitude is more galling, because more difficult to be shaken off, than that of the autocrat.

Our Christian civilization gives us no immunity from political corruption and disaster. The oft-repeated cry of election frauds should not be treated with indifference, though, in many instances, no doubt, it is the empty charge of defeated partisans against successful rivals, or the heated language of a party press.

But after all reasonable allowances are made, enough remains of a substantial character to be ominous. In every possible way, by tickets insidiously printed, by "colonizing, "repeating," and "personation," frauds are attempted, and too often successfully, on the ballot. I am informed by a trustworthy gentleman that, in certain localities, the adherents of one party, while proof against bribes from their political opponents, will exact compensation before giving their votes even to their own party candidates. The evil would be great enough if it were restricted to examples of this kind, but it becomes much more serious when large bodies of men are debauched by the bribes or intimidated by the threats of wealthy corporations.

But when the very fountains of legislation are polluted by lobbying and other corrupt means; when the hand of bribery is extended, and not always in vain, to our municipal, state, and national legislators; when our law-makers become the pliant tools of some selfish and greedy capitalists, instead of subserving the interests of the people—then, indeed, all patriotic citizens have reason to be alarmed about the future of our country.

The man who would poison the wells and springs of the land is justly regarded as a human monster, as an enemy of society, and no punishment could be too severe for him. Is he not as great a criminal who would poison and pollute the ballot-box, the unfailing fount and well-spring of our civil freedom and of our national life?

The privilege of voting is not an inherent or inalienable right. It is a solemn and sacred trust, to be used in strict

accordance with the intentions of the authority from which it emanates.

When a citizen exercises his honest judgment in casting his vote for the most acceptable candidate, he is making a legitimate use of the prerogatives confided to him. But when he sells or barters his vote, when he disposes of it to the highest bidder, like a merchantable commodity, he is clearly violating his trust and degrading his citizenship.

The enormity of the offense will be readily perceived by pushing it to its logical consequences:

First. Once the purchase of votes is tolerated or condoned or connived at, the obvious result is that the right of suffrage becomes a solemn farce. The sovereignty is no longer vested in the people, but in corrupt politicians or in wealthy corporations; money instead of merit becomes the test of success; the election is determined, not by the personal fitness and integrity of the candidate, but by the length of his own or his patron's purse; and the aspirant for office owes his victory, not to the votes of his constituents, but to the grace of some political boss.

Second. The better class of citizens will lose heart and absent themselves from the polls, knowing that it is useless to engage in a contest which is already decided by irresponsible managers.

Third. Disappointment, vexation, and righteous indignation will burn in the breasts of upright citizens. These sentiments will be followed by apathy and despair of carrying out successfully a popular form of government The enemies of the Republic will then take advantage of the existing scandals to decry our system and laud absolute monarchies. The last stage in the drama is political stagnation or revolution.

But, happily, the American people are not prone to despondency or to political stagnation, or to revolution outside of the lines of legitimate reform. They are cheerful and hopeful, because they are conscious of their strength; and well they may be, when they reflect on the century of ordeals through which they have triumphantly passed. They are vigilant, because they are liberty-loving, and they know that "Eternal vigilance is the price of liberty." They are an enlightened and practical

people; therefore are they quick to detect and prompt to resist the first inroads of corruption. They know well how to apply the antidote to the political distemper of the hour. They have the elasticity of mind and heart to rise to the occasion. They will never suffer the stately temple of the Constitution to be overthrown, but will hasten to strengthen the foundation where it is undermined, to repair every breach, and to readjust every stone of the glorious edifice.

In conclusion, I shall presume to suggest, with all deference, a brief outline of what appear to me the most efficient means to preserve purity of elections and to perpetuate our political independence.

Many partial remedies may be named. The main purpose of these remedies is to foster and preserve what may be called a public conscience. In the individual man, conscience is that inner light which directs him in the knowledge and choice of good and evil, that practical judgment which pronounces over every one of his acts, that it is right or wrong, moral or immoral. Now, this light and judgment which directs man in the ordinary personal affairs of life, must be his guide also in the affairs of his political life; for he is answerable to God for his political, as well as his personal, life.

The individual conscience is an enlightenment and a guide; and it is itself illumined and directed by the great maxims of natural law and the conclusions which the mind is constantly deducing from those maxims. Now, is there not a set of maxims and opinions that fulfill the office of guides to the masses in their political life?

The means which I propose are:

First. The enactment of strict and wholesome laws for preventing bribery and the corruption of the ballot-box, accompanied with condign punishment against the violators of the law. Let such protection and privacy be thrown around the polling booth that the humblest citizen may be able to record his vote without fear of pressure or of interference from those that might influence him. Such a remedy has already been attempted, with more or less success, in some states, by the introduction of new systems of voting.

Second. A pure, enlightened, and independent judiciary to interpret and enforce the laws.

Third. A vigilant and fearless press that will reflect and create a healthy public opinion. Such a press, guided by the laws of justice and the spirit of American institutions, is the organ and the reflection of national thought, the outer bulwark of the rights and liberties of the citizen against the usurpations of authority and the injustice of parties, the speediest and most direct castigator of vice and dishonesty. It is a duty of the citizens of a free country not only to encourage the press, but to coöperate with it; and it is a misfortune for any land when its leading men neglect to instruct their country and act on public opinion through this powerful instrument for good.

Fourth. The incorporation into our school system of familiar lessons embodying a history of our country, a brief sketch of her heroes, statesmen, and patriots, whose civic virtues the rising generation will thus be taught to emulate. The duties and rights of citizens along with reverence for our political institutions should likewise be inculcated. There is danger that the country whose history is not known and cherished will become to the masses only an abstraction, or, at best, that it will be in touch with them only on its less lovable side, the taxes and burdens it imposes. Men lost in an unnatural isolation, strangers to the past life of their nation, living on a soil to which they hold only by the passing interests of the present, as atoms without cohesion, are not able to realize and bring home to themselves the claims of a country that not only *is*, but that was before them, and that will be, as history alone can teach, long after them.

Fifth. A more hearty celebration of our national holidays.

The Hebrew people, as we learn from sacred scripture, were commanded to commemorate by an annual observance their liberation from the bondage of Pharaoh and their entrance into the Promised Land. In nearly all civilized countries there are certain days set apart to recall some great events in their national history, and to pay honor to the memory of the heroes who figured in them. The United States has already established three national holidays. The first is consecrated to the

JAMES CARDINAL GIBBONS.

birth of the "Father of his Country;" the second, to the birth of the nation; and the third is observed as a day of Thanksgiving to God for his manifold blessings to the nation. On those days, when the usual occupations of life are suspended, every citizen has leisure to study and admire the political institutions of his country, and to thank God for the benedictions that He has poured out on us as a people. In contemplating these blessings, we may well repeat with the Royal Prophet: "He hath not done in like manner to every nation, and His judgments He hath not made manifest to them."

If holidays are useful to those that are to the manner born, they are still more imperatively demanded for the foreign population constantly flowing into our country, and which consists of persons who are strangers to our civil institutions. The annually recurring holidays will create and develop in their minds a knowledge of our history and admiration for our system of government. It will help, also, to mold our people into unity of political faith. By the young, especially, are holidays welcomed with keen delight; and as there is a natural, though unconscious, association in the mind between the civic festivity and the cause that gave it birth, their attachment to the day will extend to the patriotic event or to the men whose anniversary is celebrated.

Sixth. The maintenance of party lines is an indispensable means for preserving political purity. One party watches the other, takes note of its shortcomings, its blunders and defects; and it has at its disposal the means for rebuking any abuse of power on the part of the dominant side, by appealing to the country at the tribunal of the ballot-box. The healthier periods of the Roman Republic were periods of fierce political strife. The citizens of Athens were not allowed to remain neutral. They were compelled to take sides on all questions of great public interest. Not only was every citizen obliged to vote, but the successful candidate was bound to accept the office to which he was called, and to subordinate his taste for private life to the public interests.

England owes much of her greatness and liberty to the active and aggressive vigilance of opposing political camps.

Political parties are the outcome of political freedom. Parties are not to be confounded with factions. The former contend for a principle, the latter struggle for a master.

To jurists and statesmen these considerations may seem trite, elementary, and commonplace. But, like all elementary principles, they are of vital import. They should be kept prominently in view before the people, and not obscured in a maze of wordy technicalities. They are landmarks to guide men in the path of public duty, and they would vastly contribute to the good order and stability of the commonwealth if they were indelibly stamped on the heart and memory of every American citizen.

# TRUE AND FALSE STANDARDS OF PATRIOTISM

## What True Patriotism Demands of the American Citizen

By ROGER SHERMAN

THE birthday of Washington, the one man of all recorded time to whom all civilized nations have, with one voice, awarded the crown of true greatness, brings memories of heroic times and heroic deeds, and inspires one dominant thought and one most appropriate theme upon which we may dwell with pride and with profit.

The thought is that we are Americans, standing in the midst of our heritage of this great land, with its unlimited wealth of resources and its boundless possibilities, with hearts swelling with noble yearning of patriotism born of the traditions and the memories we are so fortunate as to have had handed down to us.

The theme is Americanism. What is it? What have we which we should distinguish by that name? What are the typical ideas, principles, and ideals of which we, so far as in each of us lies, should be the special custodians, and which, as they have come to us illustrated with many a tradition of wisdom under difficulty, of endurance, self-sacrifice, and of valor, we should guard, cherish, inculcate, and, in our turn, pass on to the ages yet to come? *Noblesse oblige.* With fortune's favors come responsibilities; traditions and opportunities, such as those of the descendants of revolutionary sires, carry with them grave duties to their country and to themselves.

Foremost among American typical ideas, we may place the ever present love of liberty, and with it its correlative obligation of obedience to law. The Anglo-Saxon, first among the peoples of the earth, has attempted to solve the problem of liberty subjected to law, and of law subjected to liberty. As there can be with us no law without liberty of the individual, so there can be no desirable liberty which is not restrained by law. The liberty to do right is for the individual, in all directions of growth and development, so long as he trespasses not upon the equal right of his fellow; the function of law is to lay its restraining hand upon liberty that dares to do wrong to the equal; for a wrong done to one is a wrong to all, and a wrong to the state. Growing lawlessness is one of our great national dangers—lawlessness in high places; lawless business methods; lawlessness of public men; a standard of obedience which results only in evasion; a rule of conduct restrained only by a view of the opening doors of a penitentiary. Lawlessness begets lawlessness. The constant spectacle of legislators faithless to their obligations, to their constituents, and to the state; of corrupt politicians escaping punishment, and holding places once considered honorable, by grace of a dollar; of great corporations and combinations of capital, lifting themselves beyond the reach of the individual citizen, and, in some instances, beyond that of the commonwealth itself, can but breed other lawlessness, and tend to reduce society to its original condition —that of savage warfare, intensified and made more destructive to the innocent by the instrumentalities which modern science has made available.

The American, true to his country and its traditions, must therefore necessarily hold all citizens to obedience to law, and demand that all shall be alike amenable to it and equal before it. The lawlessness of power is most dangerous. The eternal vigilance that guards our liberties cannot avail without that constant watchfulness of the encroachments of power, which, history teaches us, precede the downfall of freedom; insidious and specious claims; usurpation masked behind false pretense or accepted truths, or public danger, real or imagined—usurpation, not always by the government or the throne, but by those

greater forces behind the throne. Stability of the law and certainty of its equal enforcement are the sure safeguards against anarchy, which is but the ultimate development of all lawlessness. The support of law and order should be required of those in places of power with equal firmness as from the weak.

Not least among the traits of our ancestors were sturdy independence and self-reliance. Necessities of their existence—these entered into their daily lives and found expression in many of the provisions of the governments which they formed. These were among the earliest developments of that democratic spirit which recognizes the man for what he is and has done, rather than for his pretensions, his wealth, or his ancestry. As Daniel Webster pointed out in his oration, delivered at the two hundredth anniversary of the landing of the Pilgrims, the strength of our government depends greatly upon the system adopted by the first settlers of New England, by which the frequent division of estates was made certain, and the accumulation of great landed properties was declared to be against public policy. The equal distribution of wealth was aimed at, and the independence and mutual respect that grew up from small holdings of farms did much to build up and preserve our national character. When the soil is owned by great numbers of independent freemen, no foreign foe is to be feared. The American at his best does not need to be nursed or coddled. An open field and a fair fight are all the demands he makes of fortune or of his fellow man.

Simplicity of manners, and the secondary place accorded to mere wealth, were characteristics of the men and women who gave life to colonial independence and molded our commonwealths into a national Union. In those days wealth brought culture, refinement, and comfort; but history of that era fails to record a single instance where it purchased a senatorship, a cabinet position, or a judgeship; or yet, where these were purchased for a subservient tool who was needed as an advocate of some great wrong. Our heritage is not one of luxury, nor are our lives to be devoted to the aping of foreign manners, with their attendants of foreign vices.

But, while we dwell with pardonable pride upon the early history of our country, recall with admiration the stern and simple virtues of those who made that history, and revere in silent thought the great patriot who led in that epoch-making struggle, we ought not to forget the demands of the present hour upon our citizenship, nor close our eyes to the impending dangers beneath which we are drifting. Are our people walking in a fool's paradise of mutual admiration, cheered on their way by constantly recurring pyrotechnic displays of adulation and choruses of self-glorification? Are we in danger of mistaking our self-satisfaction for patriotism? Do we even now realize the dangers of the sectional spirit, against which Washington warned his countrymen? Are there not too many excellent people who believe that, by reason of our soil, or climate, or race, or atmosphere, or form of government, the people of the United States are to be exempted from the calamities which history tells us have befallen other nations? Is there not a feeling that, on this continent and in this age, men are in some unknown way to be freed from the consequences of vices and imperfections which destroyed mankind in the past, and that, for us, nature may have made special arrangements, and suspended the usual operations of cause and effect for the exceptional care of her favorite children of the West? No matter what happens, that the United States will be, in that purely American and most comprehensive phrase, "all right," is the inward belief which enables the average citizen to go on from year to year, oblivious to the growth of dangerous evils, and complacently leaving them to the nursing care of his very particular friend, the professional politician. Yet, it is apparent that there are great numbers of people, increasing year by year, who are coming to realize that even republics may not always be perfect, and that the American Republic can be in some things improved, even if the form of government cannot be. The very patriotism which animates us, like the love of the parent for the child, leads us to see that there are diseases in the body politic which are not mere eruptions upon the surface, but are deadly in their character; and, though the infant is strong and its constitution perfect, it may

not, nevertheless, be able to throw off sickness without a little care on the part of its natural guardians.

In a republic, as has been so often said as to be now a platitude, the government will be good or bad in exact ratio to the goodness or badness of the citizens who create it, for it rests upon their intelligence and political virtue. Above all, therefore, should we guard from all attacks our system of public education. Our public schools should be the nurseries of pure Americanism. Here should be taught—aye, to the exclusion, if need be, of other studies now occupying attention—American history, the principles of our form of government as laid down in our Constitutions and bills of rights, the practical duties of citizenship, and the need of their active performance. Needed reforms should not be left to the practical politician, for he moves to their accomplishment with lagging and reluctant step, accelerated only by the prodding bayonets of outraged citizenship. What he wants is votes, and he never "panders to the moral sense" of the community if he can avoid it.

And this brings us to the consideration of another characteristic of the early days—the moral sentiment which prevailed in the formative era, and entered into the struggle for independence, and the religious force always present in its inception and throughout its progress. In that epoch, the Ten Commandments had a place in politics, as well as in daily life. Call the early New England system a "theocracy" if you will; yet, in the discussions of public affairs, in the choosing of officials, in the deliberations of the town-meeting, morals and religion were in their politics, and they heeded not the sneer that they were infusing politics into their religion. What though, seeing less clearly by the dim lights of their age, they sometimes became fanatics and persecutors, were they not right in teaching and practicing that the principles of religion and morality should govern men in the discharge of their duties as citizens, as well as otherwise?

Can we, in our day, hope long to maintain our system upon the plane of good government, if we sanction the methods now everywhere around us, permitting all the vile passions of bar-

barous—yea, of savage—man to be let loose in all manner of evil-doing every year, and call these elections?

Shall we turn over our public schools—aye, our very homes—to the rule of law-breakers, and they who bear false witness?

Those who stand on the watch-towers of human progress are warning us that we are upon the border-line beyond which lie great political and social changes, and that the hour is close upon us when once again the American who loves his country must choose the ground upon which he will stand to fight again a battle for the race. The great pendulum of time has swung once again to the point of transition, and the hour-hand points to the day—yea, to the very moment—when old ideas and formulas and time-worn methods no longer serve to still the beatings of the great heart of humanity, and man, with uplifted brow, and tingling nerve and bounding pulse, is about to march forward to another stage of his unknowable destiny.

What this change will be we know not. That it will be of the nature of a revolution cannot well be doubted. That there will be a more perfect Union is probable. That money will be less a god of our people we may sincerely hope. We hear the distant tread of myriad feet; the sound of strange cries is wafted to us from the distance, and, like the dumb beasts in the atmosphere of a coming storm, we stand silent and appalled at what we cannot avert. But we need not fear, for, whatever the coming change may bring forth, it will be in the interest and advancement of the cause of humanity and popular government; and they will come forth upon a still higher plane for the progress of the race. Law and order will be maintained, for the Anglo-Saxon is their guardian and protector, but they will be the law and order of a self-governed people, freed from industrial tyranny and the domination of the golden calf.

God grant that, when this hour strikes, we and each of us may be found anchored to the ideas and principles which America has given to the world, and that we shall remember that names are nothing; the achievements or rank of ancestors or kindred are nothing; long descent is nothing; but the culture and growth of each individual in strength of mind and body is everything; fixed principles of citizenship, of morals,

and of business conduct are everything; courage to assert and maintain conscientious and well considered convictions, and to do what we believe, is everything. A feeble race of men, drifting down the stream of time, the sport of shifting currents, and wrecked ever and anon upon the same shoals and rocks of error and folly, cannot too soon perish. But a strong, conscientious, courageous, self-respecting people, standing firm for the right, for human progress, for human liberty, whether rich or poor, high among the rulers of the nations or walking in humble estate, commands and receives respect, and bears with it the seed and promise of continued life. Nor should we forget that sublime saying of the early Puritan Republican, who, having condemned his king to death, was equally as firm in resisting the usurpations of his successor, that "resistance to tyrants is obedience to God."

In the veins of all the races that make up the manhood of America, there flows no drop of blood which has not been purified and made strong by rebellion against wrong Whether Teuton, Celt or Saxon, Frank or Scot, in all ages and in all lands, on the plains and mountains of Europe, at Runnymede and Bosworth Field, from Blackwater to Bannockburn, from Lexington to Yorktown, these have wrung from the hands of overbearing power, civil and religious liberty and the crowns of honor. Sad will be the day when the American people forget their traditions and their history, and no longer remember that the country they love, the institutions they cherish, and the freedom they hope to preserve, were born from the throes of armed resistance to tyranny, and nursed in the rugged arms of fearless men.

# AMERICAN IDEALS

## Democracy

By JAMES RUSSELL LOWELL

THE framers of the American Constitution were far from wishing, or intending, to found a democracy in the strict sense of the word, though, as was inevitable, every expansion of the scheme of government they elaborated has been in a democratical direction. But this has been generally the slow result of growth, and not the sudden innovation of theory; in fact, they had a profound disbelief in theory, and knew better than to commit the folly of breaking with the past. They were not seduced by the French fallacy that a new system of government could be ordered like a new suit of clothes. They would as soon have thought of ordering a new suit of flesh and skin. It is only on the roaring loom of time that the stuff is woven for such a vesture of their thought and experience as they were meditating. They recognized fully the value of tradition and habit as the great allies of permanence and stability. They all had that distaste for innovation which belonged to their race, and many of them a distrust of human nature derived from their creed. The day of sentiment was over, and no dithyrambic affirmations or fine-drawn analyses of the Rights of Man would serve their present turn. This was a practical question, and they addressed themselves to it as men of knowledge and judgment should. Their problem was how to adapt English principles and precedents to the new conditions of American life, and they solved it with singular discretion. They put as many obstacles as they could contrive, not in the way of the people's will, but of their whim. With few

exceptions they probably admitted the logic of the then accepted syllogism—democracy, anarchy, despotism. But this formula was framed upon the experience of small cities shut up to stew within their narrow walls, where the number of citizens made but an inconsiderable fraction of the inhabitants, where every passion was reverberated from house to house and from man to man with gathering rumor till every impulse became gregarious and therefore inconsiderate, and every popular assembly needed but an infusion of eloquent sophistry to turn it into a mob, all the more dangerous because sanctified with the formality of law.

Fortunately their case was wholly different. They were to legislate for a widely-scattered population and for states already practiced in the discipline of a partial independence. They had an unequaled opportunity and enormous advantages. The material they had to work upon was already democratical by instinct and habitude. It was tempered to their hands by more than a century's schooling in self-government. They had but to give permanent and conservative form to a ductile mass. In giving impulse and direction to their new institutions, especially in supplying them with checks and balances, they had a great help and safeguard in their federal organization. The different, sometimes conflicting, interests and social systems of the several states made existence as a Union and coalescence into a nation conditional on a constant practice of moderation and compromise. The very elements of disintegration were the best guides in political training. Their children learned the lesson of compromise only too well, and it was the application of it to a question of fundamental morals that cost us our Civil War. We learned once for all that compromise makes a good umbrella but a poor roof; that it is a temporary expedient, often wise in party politics, almost sure to be unwise in statesmanship.

Has not the trial of democracy in America proved, on the whole, successful? If it had not, would the Old World be vexed with any fears of its proving contagious? This trial would have been less severe could it have been made with a people homogeneous in race, language, and traditions, whereas the United

States have been called on to absorb and assimilate enormous masses of foreign population, heterogeneous in all these respects, and drawn mainly from that class which might fairly say that the world was not their friend, nor the world's law. The previous condition too often justified the traditional Irishman, who, landing in New York and asked what his politics were, inquired if there was a government there, and on being told that there was, retorted, "Thin I'm agin it!" We have taken from Europe the poorest, the most ignorant, the most turbulent of her people, and have made them over into good citizens, who have added to our wealth, and who are ready to die in defense of a country and of institutions which they know to be worth dying for.

The exceptions have been (and they are lamentable exceptions) where these hordes of ignorance and poverty have coagulated in great cities. But the social system is yet to seek which has not to look the same terrible wolf in the eyes. On the other hand, at this very moment Irish peasants are buying up the worn-out farms of Massachusetts, and making them productive again by the same virtues of industry and thrift that once made them profitable to the English ancestors of the men who are deserting them. To have achieved even these prosaic results (if you choose to call them so), and that out of materials the most discordant—I might say the most recalcitrant—argues a certain beneficent virtue in the system that could do it, and is not to be accounted for by mere luck. Carlyle said scornfully that America meant only roast turkey every day for everybody. He forgot that states, as Bacon said of wars, go on their bellies. As for the security of property, it should be tolerably well secured in a country where every other man hopes to be rich, even though the only property qualification be the ownership of two hands that add to the general wealth. Is it not the best security for anything to interest the largest possible number of persons in its preservation and the smallest in its division?

In point of fact, far-seeing men count the increasing power of wealth and its combinations as one of the chief dangers with which the institutions of the United States are threatened in

the not distant future. The right of individual property is no doubt the very corner-stone of civilization as hitherto understood, but I am a little impatient of being told that property is entitled to exceptional consideration because it bears all the burdens of the state. It bears those, indeed, which can most easily be borne, but poverty pays with its person the chief expenses of war, pestilence, and famine. Wealth should not forget this, for poverty is beginning to think of it now and then. Let me not be misunderstood. I see as clearly as any man possibly can, and rate as highly, the value of wealth, and of hereditary wealth, as the security of refinement, the feeder of all those arts that ennoble and beautify life and as making a country worth living in. Many an ancestral hall here in England has been a nursery of that culture which has been of example and benefit to all.

I should not think of coming before you to defend or to criticise any form of government. All have their virtues, all their defects, and all have illustrated one period or another in the history of the race, with signal services to humanity and culture. There is not one that could stand a cynical cross-examination by an experienced criminal lawyer, except that of a perfectly wise and perfectly good despot, such as the world has never seen, excepting that white-haired king of Browning's, who

> "Lived long ago
> In the morning of the world,
> When Earth was nearer Heaven than now."

The English race, if they did not invent government by discussion, have at least carried it nearest to perfection in practice. It seems a very safe and reasonable contrivance for occupying the attention of the country, and is certainly a better way of settling questions than by push of pike. Yet, if one should ask it why it should not rather be called government by gabble, it would have to fumble a good while before it found the chance for a convincing reply.

As matters stand, too, it is beginning to be doubtful whether Parliament and Congress sit at Westminster and Washington or in the editors' rooms of the leading journals, so thoroughly

is everything debated before the authorized and responsible debaters get on their legs. And what shall we say of government by a majority of voices? To a person who in the last century would have called himself an impartial observer, a numerical preponderance seems, on the whole, as clumsy a way of arriving at truth as could well be devised, but experience has apparently shown it to be a convenient arrangement for determining what may be expedient or advisable or practicable at any given moment. Truth, after all, wears a different face to everybody and it would be too tedious to wait till all were agreed. She is said to lie at the bottom of a well, for the very reason, perhaps, that whoever looks down in search of her sees his own image at the bottom, and is persuaded not only that he has seen the goddess, but that she is far better-looking than he had imagined.

The arguments against universal suffrage are equally unanswerable. "What," we exclaim, "shall Tom, Dick, and Harry have as much weight in the scale as I?" Of course nothing could be more absurd. And yet universal suffrage has not been the instrument of greater unwisdom than contrivances of a more select description. Assemblies could be mentioned composed entirely of Masters of Arts and Doctors in Divinity which have sometimes shown traces of human passion or prejudice in their votes. The democratic theory is that those Constitutions are likely to prove steadiest which have the broadest base, that the right to vote makes a safety-valve of every voter, and that the best way of teaching a man how to vote is to give him the chance of practice. For the question is no longer the academic one, "Is it wise to give every man the ballot?" but rather the practical one, "Is it prudent to deprive whole classes of it any longer?" It may be conjectured that it is cheaper in the long run to lift men up than to hold them down, and that the ballot in their hands is less dangerous to society than a sense of wrong ir their heads. At any rate this is the dilemma to which the drift of opinion has been for some time sweeping us, and in politics a dilemma is a more unmanageable thing to hold by the horns than a wolf by the ears.

It is said that the right of suffrage is not valued when it is indscriminately bestowed, and there may be some truth in this, for I have observed that what men prize most is a privilege, even if it be that of chief mourner at a funeral. But is there not danger that it will be valued at more than its worth if denied, and that some illegitimate way will be sought to make up for the want of it? Men who have a voice in public affairs are at once affiliated with one or other of the great parties between which society is divided, merge their individual hopes and opinions in its safer, because more generalized, hopes and opinions, are disciplined by its tactics, and acquire, to a certain degree, the orderly qualities of an army. They no longer belong to a class, but to a body corporate. Of one thing, at least, we may be certain, that, under whatever method of helping things to go wrong man's wit can contrive, those who have the divine right to govern will be found to govern in the end, and that the highest privilege to which the majority of mankind can aspire is that of being governed by those wiser than they. Universal suffrage has in the United States sometimes been made the instrument of inconsiderate changes, under the notion of reform, and this from a misconception of the true meaning of popular government. One of these has been the substitution in many of the states of popular election for official selection in the choice of judges. The same system applied to military officers was the source of much evil during our Civil War, and, I believe, had to be abandoned. But it has been also true that on all great questions of national policy a reserve of prudence and discretion has been brought out at the critical moment to turn the scale in favor of a wiser decision. An appeal to the reason of the people has never been known to fail in the long run.

We are told that the inevitable result of democracy is to sap the foundations of personal independence, to weaken the principle of authority, to lessen the respect due to eminence, whether in station, virtue, or genius. If these things were so, society could not hold together. Perhaps the best forcing-house of robust individuality would be where public opinion is inclined to be most overbearing, as he must be of heroic temper who should walk along Piccadilly at the height of the

season in a soft hat. As for authority, it is one of the symptoms of the time that the religious reverence for it is declining everywhere, but this is due partly to the fact that statecraft is no longer looked upon as a mystery, but as a business, and partly to the decay of superstition, by which I mean the habit of respecting what we are told to respect rather than what is respectable in itself. There is more rough and tumble in the American democracy than is altogether agreeable to people of sensitive nerves and refined habits, and the people take their political duties lightly and laughingly, as is, perhaps, neither unnatural nor unbecoming in a young giant. Democracies can no more jump away from their own shadows than the rest of us can. They no doubt, sometimes make mistakes and pay honor to men who do not deserve it. But they do this because they believe them worthy of it, and though it be true that the idol is the measure of the worshiper, yet the worship has in it the germ of a nobler religion.

But is it democracies alone that fall into these errors? I, who have seen it proposed to erect a statue to Hudson, the railway king, and have heard Louis Napoleon hailed as the savior of society by men who certainly had no democratic associations or leanings, am not ready to think so. But democracies have likewise their finer instincts. I have also seen the wisest statesman and most pregnant speaker of our generation, a man of humble birth and ungainly manners, of little culture beyond what his own genius supplied, become more absolute in power than any monarch of modern times through the reverence of his countrymen for his honesty, his wisdom, his sincerity, his faith in God and man, and the nobly humane simplicity of his character. And I remember another whom popular respect enveloped as with a halo, the least vulgar of men, the most austerely genial and, the most independent of opinion. Wherever he went he never met a stranger, but everywhere neighbors and friends proud of him as their ornament and decoration. Institutions which could bear and breed such men as Lincoln and Emerson had surely some energy for good. No, amid all the fruitless turmoil and miscarriage of the world, if there be one thing steadfast and of favorable omen, one thing to

make optimism distrust its own obscure distrust, it is the rooted instinct in men to admire what is better and more beautiful than themselves. The touchstone of political and social institutions is their ability to supply them with worthy objects of this sentiment, which is the very tap-root of civilization and progress. There would seem to be no readier way of feeding it with the elements of growth and vigor than such an organization of society as will enable men to respect themselves, and so to justify them in respecting others.

Such a result is quite possible under other conditions than those of an avowedly democratical Constitution. For I take it that the real essence of democracy was fairly enough defined by the First Napoleon when he said that the French Revolution meant "*la carrière ouverte aux talents*"—a clear pathway for merit of whatever kind. I should be inclined to paraphrase this by calling democracy that form of society, no matter what its political classification, in which every man had a chance and knew that he had it. If a man can climb, and feels himself encouraged to climb, from a coal-pit to the highest position for which he is fitted, he can well afford to be indifferent what name is given to the government under which he lives. The Bailli of Mirabeau, uncle of the more famous tribune of that name, wrote in 1771: "The English are, in my opinion, a hundred times more agitated and more unfortunate than the very Algerines themselves, because they do not know and will not know till the destruction of their over-swollen power, which I believe very near, whether they are monarchy, aristocracy, or democracy, and wish to play the part of all three." England has not been obliging enough to fulfill the Bailli's prophecy, and perhaps it was this very carelessness about the name, and concern about the substance of popular government, this skill in getting the best out of things as they are, in utilizing all the motives which influence men, and in giving one direction to many impulses, that has been a principal factor of her greatness and power.

Perhaps it is fortunate to have an unwritten Constitution, for men are prone to be tinkering the work of their own hands, whereas they are more willing to let time and circumstance

mend or modify what time and circumstance have made. All free governments, whatever their name, are in reality governments by public opinion, and it is on the quality of this public opinion that their prosperity depends. It is, therefore, their first duty to purify the element from which they draw the breath of life. With the growth of democracy grows also the fear, if not the danger, that this atmosphere may be corrupted with poisonous exhalations from lower and more malarious levels, and the question of sanitation becomes more instant and pressing. Democracy in its best sense is merely the letting in of light and air. Lord Sherbrooke, with his usual epigrammatic terseness, bids you educate your future rulers. But would this alone be a sufficient safeguard? To educate the intelligence is to enlarge the horizon of its desires and wants. And it is well that this should be so. But the enterprise must go deeper and prepare the way for satisfying those desires and wants in so far as they are legitimate.

What is really ominous of danger to the existing order of things is not democracy (which, properly understood, is a conservative force), but the Socialism which may find a fulcrum in it. If we cannot equalize conditions and fortunes any more than we can equalize the brains of men—and a very sagacious person has said that "where two men ride of a horse one must ride behind"—we can yet, perhaps, do something to correct those methods and influences that lead to enormous inequalities, and to prevent their growing more enormous. It is all very well to pooh-pooh Mr. George and to prove him mistaken in his political economy. But he is right in his impelling motive; right, also, I am convinced, in insisting that humanity makes a part, by far the most important part, of political economy; and in thinking man to be of more concern and more convincing than the longest columns of figures in the world. For unless you include human nature in your addition, your total is sure to be wrong and your deductions from it fallacious. Communism means barbarism, but Socialism means, or wishes to mean, coöperation and community of interests, sympathy, the giving to the hands not so large a share as to the brains, but a larger share than hitherto in the wealth they must com-

bine to produce—means, in short, the practical application of Christianity to life, and has in it the secret of an orderly and benign reconstruction.

I do not believe in violent changes, nor do I expect them. Things in possession have a very firm grip. One of the strongest cements of society is the conviction of mankind that the state of things into which they are born is a part of the order of the universe, as natural, let us say, as that the sun should go round the earth. It is a conviction that they will not surrender except on compulsion, and a wise society should look to it that this compulsion be not put upon them. For the individual man there is no radical cure, outside of human nature itself. The rule will always hold good that you must

**Be your own palace or the world's your gaol.**

But for artificial evils, for evils that spring from want of thought, thought must find a remedy somewhere. There has been no period of time in which wealth has been more sensible of its duties than now. It builds hospitals, it establishes missions among the poor, it endows schools. It is one of the advantages of accumulated wealth, and of the leisure it renders possible, that people have time to think of the wants and sorrows of their fellows. But all these remedies are partial and palliative merely. It is as if we should apply plasters to a single pustule of smallpox with a view of driving out the disease. The true way is to discover and to extirpate the germs. As society is now constituted these are in the air it breathes, in the water it drinks, in things that seem, and which it has always believed, to be the most innocent and healthful. The evil elements it neglects corrupt these in their springs and pollute them in their courses. Let us be of good cheer, however, remembering that the misfortunes hardest to bear are those which never come. The world has outlived much, and will outlive a great deal more, and men have contrived to be happy in it. It has shown the strength of its constitution in nothing more than in surviving the quack medicines it has tried. In the scales of the destinies brawn will never weigh so much as

brain. Our healing is not in the storm or in the whirlwind, it is not in monarchies, or aristocracies, or democracies, but will be revealed by the still small voice that speaks to the conscience and the heart, prompting us to a wider and wiser humanity.

# AMERICAN IDEALS

## True Americanism

By THEODORE ROOSEVELT

PATRIOTISM was once defined as "the last refuge of a scoundrel;" and somebody has recently remarked that when Dr. Johnson gave this definition he was ignorant of the infinite possibilities contained in the word "reform." Of course both gibes were quite justifiable, in so far as they were aimed at people who use noble names to cloak base purposes. Equally of course the man shows little wisdom and a low sense of duty who fails to see that love of country is one of the elemental virtues, even though scoundrels play upon it for their own selfish ends; and, inasumch as abuses continually grow up in civic life as in all other kinds of life, the statesman is indeed a weakling who hesitates to reform these abuses because the word "reform" is often on the lips of men who are silly or dishonest.

What is true of patriotism and reform is true also of Americanism. There are plenty of scoundrels always ready to try to belittle reform movements or to bolster up existing iniquities in the name of Americanism; but this does not alter the fact that the man who can do most in this country is and must be the man whose Americanism is most sincere and intense. Outrageous though it is to use a noble idea as the cloak for evil, it is still worse to assail the noble idea itself because it can thus be used. The men who do iniquity in the name of patriotism, of reform, of Americanism, are merely one small division of the class that has always existed and will always exist—the class

of hypocrites and demagogues, the class that is always prompt to steal the watchwords of righteousness and use them in the interests of evil-doing.

The stoutest and truest Americans are the very men who have the least sympathy with the people who invoke the spirit of Americanism to aid what is vicious in our government, or to throw obstacles in the way of those who strive to reform it. It is contemptible to oppose a movement for good because that movement has already succeeded somewhere else, or to champion an existing abuse because our people have always been wedded to it. To appeal to national prejudice against a given reform movement is in every way unworthy and silly. It is as childish to denounce free trade because England has adopted it as to advocate it for the same reason. It is eminently proper, in dealing with the tariff, to consider the effect of tariff legislation in time past upon other nations as well as the effect upon our own; but in drawing conclusions it is in the last degree foolish to try to excite prejudice against one system because it is in vogue in some given country, or to try to excite prejudice in its favor because the economists of that country have found that it was suited to their own peculiar needs. In attempting to solve our difficult problem of municipal government it is mere folly to refuse to profit by whatever is good in the examples of Manchester and Berlin because these cities are foreign, exactly as it is mere folly blindly to copy their examples without reference to our own totally different conditions. As for the absurdity of declaiming against civil-service reform, for instance, as "Chinese," because written examinations have been used in China, it would be quite as wise to declaim against gunpowder because it was first utilized by the same people. In short, the man who, whether from mere dull fatuity or from an active interest in misgovernment, tries to appeal to American prejudice against things foreign, so as to induce Americans to oppose any measure for good, should be looked on by his fellow countrymen with the heartiest contempt. So much for the men who appeal to the spirit of Americanism to sustain us in wrong-doing. But we must never let our contempt for these

men blind us to the nobility of the idea which they strive to degrade.

We Americans have many grave problems to solve, many threatening evils to fight, and many deeds to do, if, as we hope and believe, we have the wisdom, the strength, the courage, and the virtue to do them. But we must face facts as they are. We must neither surrender ourselves to a foolish optimism, nor succumb to a timid and ignoble pessimism. Our nation is that one among all the nations of the earth which holds in its hands the fate of the coming years. We enjoy exceptional advantages, and are menaced by exceptional dangers; and all signs indicate that we shall either fail greatly or succeed greatly. I firmly believe that we shall succeed; but we must not foolishly blink the dangers by which we are threatened, for that is the way to fail. On the contrary, we must soberly set to work to find out all we can about the existence and extent of every evil, must acknowledge it to be such, and must then attack it with unyielding resolution. There are many such evils, and each must be fought after a separate fashion; yet there is one quality which we must bring to the solution of every problem—that is, an intense and fervid Americanism. We shall never be successful over the dangers that confront us; we shall never achieve true greatness, nor reach the lofty ideal which the founders and preservers of our mighty Federal Republic have set before us, unless we are Americans in heart and soul, in spirit and purpose, keenly alive to the responsibility implied in the very name of American, and proud beyond measure of the glorious privilege of bearing it.

There are two or three sides to the question of Americanism, and two or three senses in which the word "Americanism" can be used to express the antithesis of what is unwholesome and undesirable. In the first place we wish to be broadly American and national, as opposed to being local or sectional. We do not wish, in politics, in literature, or in art, to develop that unwholesome parochial spirit, that over-exaltation of the little community at the expense of the great nation, which produces what has been described as the patriotism of the village,

the patriotism of the belfry. Politically, the indulgence of this spirit was the chief cause of the calamities which befell the ancient republics of Greece, the mediæval republics of Italy, and the petty states of Germany as it was in the last century. It is this spirit of provincial patriotism, this inability to take a view of broad adhesion to the whole nation that has been the chief among the causes that have produced such anarchy in the South American States, and which have resulted in presenting to us, not one great Spanish-American federal nation stretching from the Rio Grande to Cape Horn, but a squabbling multitude of revolution-ridden states, not one of which stands even in the second rank as a power. However, politically, this question of American nationality has been settled once for all. We are no longer in danger of repeating in our history the shameful and contemptible disasters that have befallen the Spanish possessions on this continent since they threw off the yoke of Spain. Indeed, there is, all through our life, very much less of this parochial spirit than there was formerly. Still there is an occasional outcropping here and there; and it is just as well that we should keep steadily in mind the futility of talking of a Northern literature or a Southern literature, an Eastern or a Western school of art or science. Joel Chandler Harris is emphatically a national writer; so is Mark Twain. They do not write merely for Georgia or Missouri or California any more than for Illinois or Connecticut; they write as Americans and for all people who can read English. St. Gaudens lives in New York; but his work is just as distinctive of Boston or Chicago. It is of very great consequence that we should have a full and ripe literary development in the United States, but it is not of the least consequence whether New York, or Boston, or Chicago, or San Francisco becomes the literary or artistic center of the United States.

There is a second side to this question of a broad Americanism, however. The patriotism of the village or the belfry is bad, but the lack of all patriotism is even worse. There are philosophers who assure us that, in the future, patriotism will be regarded not as a virtue at all, but merely as a mental stage

in the journey toward a state of feeling when our patriotism will include the whole human race and all the world. This may be so; but the age of which these philosophers speak is still several æons distant. In fact, philosophers of this type are so very advanced that they are of no practical service to the present generation. It may be that, in ages so remote that we cannot now understand any of the feelings of those who will dwell in them, patriotism will no longer be regarded as a virtue, exactly as it may be that in those remote ages people will look down upon and disregard monogamic marriage; but as things now are and have been for two or three thousand years past, and are likely to be for two or three thousand years to come, the words "home" and "country" mean a great deal. Nor do they show any tendency to lose their significance. At present, treason, like adultery, ranks as one of the worst of all possible crimes.

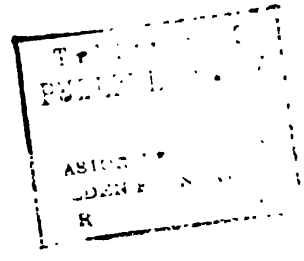
One may fall very far short of treason and yet be an undesirable citizen in the community. The man who becomes Europeanized, who loses his power of doing good work on this side of the water, and who loses his love for his native land, is not a traitor; but he is a silly and undesirable citizen. He is as emphatically a noxious element in our body politic as is the man who comes here from abroad and remains a foreigner. Nothing will more quickly or more surely disqualify a man from doing good work in the world than the acquirement of that flaccid habit of mind which its possessors style cosmopolitanism.

It is not only necessary to Americanize the immigrants of foreign birth who settle among us, but it is even more necessary for those among us who are by birth and descent already Americans not to throw away our birthright, and, with incredible and contemptible folly, wander back to bow down before the alien gods whom our forefathers forsook. It is hard to believe that there is any necessity to warn Americans that, when they seek to model themselves on the lines of other civilizations, they make themselves the butts of all right-thinking men; and yet the necessity certainly exists to give this warning to many of our citizens who pride themselves on their

standing in the world of art and letters, or, perchance, on what they would style their social leadership in the community. It is always better to be an original than an imitation, even when the imitation is of something better than the original; but what shall we say of the fool who is content to be an imitation of something worse? Even if the weaklings who seek to be other than Americans were right in deeming other nations to be better than their own, the fact yet remains that to be a first-class American is fifty-fold better than to be a second-class imitation of a Frenchman or Englishman. As a matter of fact, however, those of our countrymen who do believe in American inferiority are always individuals who, however cultivated, have some organic weakness in their moral or mental make-up; and the great mass of our people, who are robustly patriotic, and who have sound, healthy minds, are justified in regarding these feeble renegades with a half-impatient and half-amused scorn.

We believe in waging relentless war on rank-growing evils of all kinds, and it makes no difference to us if they happen to be of purely native growth. We grasp at any good, no matter whence it comes. We do not accept the evil attendant upon another system of government as an adequate excuse for that attendant upon our own; the fact that the courtier is a scamp does not render the demagogue any the less a scoundrel. But it remains true that, in spite of all our faults and shortcomings, no other land offers such glorious possibilities to the man able to take advantage of them, as does ours; it remains true that no one of our people can do any work really worth doing unless he does it primarily as an American. It is because certain classes of our people still retain their spirit of colonial dependence on, and exaggerated deference to, European opinion, that they fail to accomplish what they ought to. It is precisely along the lines where we have worked most independently that we have accomplished the greatest results; and it is in those professions where there has been no servility to, but merely a wise profiting by, foreign experience, that we have produced our greatest men. Our soldiers and statesmen and orators; our explorers, our wilderness-winners, and commonwealth-

TOO NEAR THE WARPATH



builders; the men who have made our laws and seen that they were executed; and the other men whose energy and ingenuity have created our marvelous material prosperity—all these have been men who have drawn wisdom from the experience of every age and nation, but who have nevertheless thought, and worked, and conquered, and lived, and died, purely as Americans; and on the whole they have done better work than has been done in any other country during the short period of our national life.

On the other hand, it is in those professions where our people have striven hardest to mold themselves in conventional European forms that they have succeeded least; and this holds true to the present day, the failure being of course most conspicuous where the man takes up his abode in Europe; where he becomes a second-rate European, because he is over-civilized, over-sensitive, over-refined, and has lost the hardihood and manly courage by which alone he can conquer in the keen struggle of our national life. Be it remembered, too, that this same being does not really become a European; he only ceases being an American, and becomes nothing. He throws away a great prize for the sake of a lesser one, and does not even get the lesser one. The painter who goes to Paris, not merely to get two or three years' thorough training in his art, but with the deliberate purpose of taking up his abode there, and with the intention of following in the ruts worn deep by 10,000 earlier travelers, instead of striking off to rise or fall on a new line, thereby forfeits all chance of doing the best work. He must content himself with aiming at that kind of mediocrity which consists in doing fairly well what has already been done better; and he usually never even sees the grandeur and picturesqueness lying open before the eyes of every man who can read the book of America's past and the book of America's present. Thus it is with the undersized man of letters, who flees his country because he, with his delicate, effeminate sensitiveness, finds the conditions of life on this side of the water crude and raw; in other words, because he finds that he cannot play a man's part among men, and so goes where he will be sheltered from the winds that harden stouter souls. This

*emigré* may write graceful and pretty verses, essays, novels; but he will never do work to compare with that of his brother, who is strong enough to stand on his own feet, and do his work as an American. Thus it is with the scientist who spends his youth in a German university, and can thenceforth work only in the fields already fifty times furrowed by the German ploughs. Thus it is with that most foolish of parents who sends his children to be educated abroad, not knowing—what every clear-sighted man from Washington and Jay down has known—that the American who is to make his way in America should be brought up among his fellow Americans. It is among the people who like to consider themselves, and, indeed, to a large extent are, the leaders of the so-called social world, especially in some of the north-eastern cities, that this colonial habit of thought, this thoroughly provincial spirit of admiration for things foreign, and inability to stand on one's own feet, becomes most evident and most despicable. We believe in every kind of honest and lawful pleasure, so long as the getting it is not made man's chief business; and we believe heartily in the good that can be done by men of leisure who work hard in their leisure, whether at politics or philanthropy, literature or art. But a leisure class whose leisure simply means idleness is a curse to the community, and in so far as its members distinguish themselves chiefly by aping the worst—not the best—traits of similar people across the water, they become both comic and noxious elements of the body politic.

The third sense in which the word "Americanism" may be employed is with reference to the Americanizing of the newcomers to our shores. We must Americanize them in every way, in speech, in political ideas and principles, and in their way of looking at the relations between church and state. We welcome the German or the Irishman who becomes an American. We have no use for the German or Irishman who remains such. We do not wish German-Americans and Irish-Americans who figure as such in our social and political life; we want only Americans, and, providing they are such, we do not care whether they are of native or of Irish or of German ancestry. We have no room in any healthy American commu-

nity for a German-American vote or an Irish-American vote, and it is contemptible demagogy to put planks into any party platform with the purpose of catching such a vote. We have no room for any people who do not act and vote simply as Americans, and as nothing else. Moreover, we have as little use for people who carry religious prejudices into our politics as for those who carry prejudices of caste or nationality. We stand unalterably in favor of the public-school system in its entirety. We believe that English and no other language, is that in which all the school exercises should be conducted. We are against any division of the school fund, and against any appropriation of public money for sectarian purposes. We are against any recognition whatever by the state, in any shape or form, of state-aided parochial schools. But we are equally opposed to any discrimination against or for a man because of his creed. We demand that all citizens, Protestant and Catholic, Jew and Gentile, shall have fair treatment in every way; that all alike shall have their rights guaranteed them. The very reasons that make us unqualified in our opposition to state-aided sectarian schools make us equally bent that, in the management of our public schools, the adherents of each creed shall receive exact and equal justice, wholly without regard to their religious affiliations; that trustees, superintendents, teachers, scholars, all alike, shall be treated without any reference whatsoever to the creed they profess. We maintain that it is an outrage, in voting for a man for any position, whether state or national, to take into account his religious faith, providing only he is a good American. When a secret society does what in some places the American Protective Association seems to have done, and tries to proscribe Catholics both politically and socially, the members of such society show that they themselves are as utterly un-American, as alien to our school of political thought as the worst immigrants who land on our shores. Their conduct is equally base and contemptible; they are the worst foes of our public-school system, because they strengthen the hands of its ultramontane enemies; they should receive the hearty condemnation of all Americans who are truly patriotic.

The mighty tide of immigration to our shores has brought in its train much of good and much of evil; and whether the good or the evil shall predominate depends mainly on whether these new-comers do or do not throw themselves heartily into our national life, cease to be European, and become Americans like the rest of us. More than a third of the people of the northern states are of foreign birth or parentage. An immense number of them have become completely Americanized, and these stand on exactly the same plane as the descendants of any Puritan, Cavalier, or Knickerbocker among us, and do their full and honorable share of the nation's work But where immigrants, or the sons of immigrants, do not heartily and in good faith throw in their lot with us, but cling to the speech, the customs, the ways of life, and the habits of thought of the Old World which they have left, they thereby harm both themselves and us. If they remain alien elements, unassimilated, and with interests separate from ours, they are mere obstructions to the current of our national life, and, moreover, can get no good from it themselves. In fact, though we ourselves also suffer from their perversity, it is they who really suffer most. It is an immense benefit to the European immigrant to change him into an American citizen. To bear the name of American is to bear the most honorable of titles; and whoever does not so believe has no business to bear the name at all, and, if he comes from Europe, the sooner he goes back there the better. Besides, the man who does not become Americanized nevertheless fails to remain a European, and becomes nothing at all. The immigrant cannot possibly remain what he was, or continue to be a member of the Old World society. If he tries to retain his old language, in a few generations it becomes a barbarous jargon; if he tries to retain his old customs and ways of life, in a few generations he becomes an uncouth boor. He has cut himself off from the Old World, and cannot retain his connection with it; and if he wishes ever to amount to anything he must throw himself heart and soul, and without reservation, into the new life to which he has come. It is urgently necessary to check and regulate our immigration by much more drastic laws than now exist; and this

should be done both to keep out laborers who tend to depress the labor market, and to keep out races which do not assimilate readily with our own, and unworthy individuals of all races —not only criminals, idiots, and paupers, but anarchists of the Most and O'Donovan Rossa type.

From his own standpoint, it is beyond all question the wise thing for the immigrant to become thoroughly Americanized. Moreover, from our standpoint, we have a right to demand it. We freely extend the hand of welcome and of good-fellowship to every man, no matter what his creed or birthplace, who comes here honestly intent on becoming a good United States citizen like the rest of us; but we have a right, and it is our duty to demand, that he shall indeed become so, and shall not confuse the issues with which we are struggling by introducing among us Old World quarrels and prejudices. There are certain ideas which he must give up. For instance, he must learn that American life is incompatible with the existence of any form of anarchy, or of any secret society having murder for its aim, whether at home or abroad; and he must learn that we exact full religious toleration and the complete separation of church and state. Moreover, he must not bring in his Old World religious race and national antipathies, but must merge them into love for our common country, and must take pride in the things which we can all take pride in. He must revere only our flag; not only must it come first, but no other flag should even come second. He must learn to celebrate Washington's birthday rather than that of Queen or Kaiser, and the Fourth of July instead of St. Patrick's Day. Our political and social questions must be settled on their own merits, and not complicated by quarrels between England and Ireland, or France and Germany, with which we have nothing to do; it is an outrage to fight an American political campaign with reference to questions of European politics. Above all, the immigrant must learn to talk and think and *be* United States.

The immigrant of to-day can learn much from the experience of the immigrants of the past, who came to America prior to the Revolutionary War. We were then already, what we are now, a people of mixed blood. Many of our most illustrious

Revolutionary names were borne by men of Huguenot blood—Jay, Sevier, Marion, Laurens. But the Huguenots were, on the whole, the best immigrants we have ever received; sooner than any other, and more completely, they became American in speech, conviction and thought. The Hollanders took longer than the Huguenots to become completely assimilated; nevertheless they in the end became so, immensely to their own advantage. One of the leading Revolutionary generals, Schuyler, and one of the Presidents of the United States, Van Buren, were of Dutch blood; but they rose to their positions, the highest in the land, because they had become Americans and had ceased being Hollanders. If they had remained members of an alien body, cut off by their speech and customs and belief from the rest of the American community, Schuyler would have lived his life as a boorish, provincial squire, and Van Buren would have ended his days a small tavern-keeper. So it is with the Germans of Pennsylvania. Those of them who became Americanized have furnished to our history a multitude of honorable names, from the days of the Mühlenbergs onward; but those who do not become Americanized form to the present day an unimportant body, of no significance in American existence. So it is with the Irish, who gave to Revolutionary annals such names as Carroll and Sullivan, and to the Civil War men like Sheridan—men who were Americans and nothing else; while the Irish who remain such, and busy themselves solely with alien politics, can have only an unhealthy influence upon American life, and can never rise as do their compatriots who become straightout Americans. Thus it has ever been with all people who have come hither, of whatever stock or blood. The same thing is true of the churches. A church which remains foreign, in language or spirit, is doomed.

But I wish to be distinctly understood on one point. Americanism is a question of spirit, conviction, and purpose, not of creed or birthplace. The politician who bids for the Irish or German vote, or the Irishman or German who votes as an Irishman or German, is despicable, for all citizens of this commonwealth should vote solely as Americans; but he is not

a whit less despicable than the voter who votes against a good American, merely because that American happens to have been born in Ireland or Germany. Know-nothingism, in any form, is as utterly un-American as foreignism. It is a base outrage to oppose a man because of his religion or birthplace, and all good citizens will hold any such effort in abhorrence. A Scandinavian, a German, or an Irishman who has really become an American has the right to stand on exactly the same footing as any native-born citizen in the land, and is just as much entitled to the friendship and support, social and political, of his neighbors. Among the men with whom I have been thrown in close personal contact socially, and who have been among my staunchest friends and allies politically, are not a few Americans who happen to have been born on the other side of the water, in Germany, Ireland, Scandinavia; and there could be no better men in the ranks of our native-born citizens.

In closing, I cannot better express the ideal attitude that should be taken by our fellow citizens of foreign birth than by quoting the words of a representative American, born in Germany, the Honorable Richard Guenther, of Wisconsin, in a speech spoken at the time of the Samoan trouble. He said:

"We know as well as any other class of American citizens where our duties belong. We will work for our country in time of peace and fight for it in time of war, if a time of war should ever come. When I say our country, I mean, of course, our adopted country. I mean the United States of America. After passing through the crucible of naturalization, we are no longer Germans; we are Americans. Our attachment to America cannot be measured by the length of our residence here. We are Americans from the moment we touch the American shore until we are laid in American graves. We will fight for America whenever necessary. America, first, last, and all the time. America against Germany, America against the world; America, right or wrong; always America. We are Americans."

All honor to the man who spoke such words as those; and I believe they express the feelings of the great majority of those among our fellow-American citizens who were born

abroad. We Americans can do our allotted task well only if we face it steadily and bravely, seeing but not fearing the dangers. Above all we must stand shoulder to shoulder, not asking as to the ancestry or creed of our comrades, but only demanding that they be in very truth Americans, and that we all work together, heart, hand, and head, for the honor and the greatness of our common country.

# American Diplomacy

By JOHN HAY

[A speech made in reply to the toast of "Our Recent Diplomacy," at the dinner of the New York Chamber of Commerce, November, 19, 1901.]

*Mr. Chairman and Gentleman:*

I NEED not dwell upon the mournful and tragic event by virtue of which I am here. When the President lay stricken in Buffalo, though hope beat high in all our hearts that his life might be spared for future usefulness to his country, it was still recognized as improbable that he should be able to keep the engagement he had made to be with you to-night, and your committee did me the honor to ask me to come in his place. This I have sometimes done, in his lifetime, though always with diffidence and dread; but how much more am I daunted by the duty of appearing before you when that great man, loved and revered above all even while living, has put on the august halo of immortality! Who could worthily come into your presence as the shadow of that illustrious Shade.

Let me advert, but for a moment, to one aspect of our recent bereavement, which is especially interesting to those engaged, as you are, in relations whose scope is as wide as the world. Never, since history began, has there been an event which so immediately, and so deeply, touched the sensibilities of so vast a portion of the human race. The sun, which set over Lake Erie while the surgeons were still battling for the President's life, had not risen on the Atlantic before every

capital of the civilized world was in mourning. And it was not from the centers of civilization alone that the voices of sorrow and sympathy reached us; they came as well from the utmost limits of the world, from the most remote islands of the sea; not only from the courts of Christendom, but from the temples of strange gods and the homes of exotic religions. Never before has the heart of the world throbbed with a sorrow so universal. Never before have the kingdoms of the earth paid such homage at the grave of a citizen. Something of this was naturally due to his great office—presiding, as he did, over the government of a nation holding in fee the certainty of illimitable greatness. But no ruler can acquire the instinctive regard and esteem of the world without possessing most unusual qualities of mind and character. This dead President of ours possessed them. He was strong; he was wise; he was gentle. With no external advantages beyond the mass of his fellow-citizens, he rose by sheer merit and will to the summit of distinction and power. With a growth as certain and gradual as that of an oak, he grew stronger and wiser with every year that he lived. Confronted continually with new and exacting situations, he was never unequal to them; his serenity was never clouded; he took the storm and the sunshine with the same cheery welcome; his vast influence expanded with his opportunities. Like that Divine Master whom he humbly and reverently served, he grew continually "in favor with God and man."

One simple reason why the millions of this country mourned him as if they had buried a brother, and why all the nations of the earth felt that his death was a loss to humanity at large, was that he loved his fellow men. There were literally no bounds to his lavish good-will. In political genius, in wisdom for government, in power of controlling men, he was one of the elect of the earth—there were few like him; but in sentiment and feeling he was the most perfect democrat I ever met. He never knew what it meant to regard another man as his inferior or as his superior. Nothing human was alien to him. Even his death was in that sense significant. He was slain in the moment when, with that delightful smile we knew so well—

which seemed like the very sunshine of the spirit—he was stretching forth a generous hand to greet the lowest and meanest unit in that crowd of many thousands. He made no demagogical parade of his sympathy with the masses, but this sympathy was a part of his life. He knew no interest which was not theirs; their welfare was as dear to him as the blood in his own veins; and in spite of calumny and falsehood the people knew it, and they loved him in return.

Others will rise and labor and do good service to the Republic. We shall never lack good men when the emergency calls for them. Thank God! we do not lack them now. But it may well be doubted if in any century of the glorious future before us, there will ever appear two such sincere, high-minded, self-respecting lovers of the people as the last fifty years have shown us in Abraham Lincoln and William McKinley.

But the world must go on, though the greatest and best beloved fall by the way. I dare to come to you, because you have asked me, and he would have wished it, for he held that our personal feelings should never be considered when they conflicted with a public duty. And if I fall immeasurably below the standard to which he has accustomed you, the very comparisons you draw will be a tribute to his memory.

I am asked to say something about our diplomacy. You want from me nothing but the truth; and yet, if I confine myself to the truth, I cannot help fearing I shall do my profession a wrong in the minds of those who have been in the habit of considering diplomacy an occult science, as mysterious as alchemy, and as dangerous to the morals as municipal politics. It must be admitted that this conception of the diplomatic function is not without a certain historical foundation.

There was a time when diplomacy was a science of intrigue and falsehood, of traps and mines and countermines. The word "machiavelic" has become an adjective in our common speech, signifying fraudulent craft and guile; but Machiavel was as honest a man as his time justified or required. The King of Spain wrote to the King of France, after the massacre of St. Bartholomew, congratulating him upon the splendid dissimulation with which that stroke of policy had been accom-

plished. In the last generation it was thought a remarkable advance in straightforward diplomacy when Prince Bismarck recognized the advantage of telling the truth, even at the risk of misleading his adversary. It may be another instance of that naïve credulity with which I have often been charged by European critics when I say that I really believe the world has moved onward in diplomacy as in many other matters. In my experience of diplomatic life, which now covers more years than I like to look back upon, and in the far greater record of American diplomacy which I have read and studied, I can say without hesitation that we have generally told squarely what we wanted, announced early in negotiation what we were willing to give, and allowed the other side to accept or reject our terms. During the time in which I have been prominently concerned in our foreign relations, I can also say that we have been met by the representatives of other powers in the same spirit of frankness and sincerity. You, as men of large affairs, will bear me out in saying there is nothing like straightforwardness to beget its like.

The comparative simplicity of our diplomatic methods would be a matter of necessity if it were not of choice. Secret treaties, reserved clauses, private understandings, are impossible to us. No treaty has any validity until ratified by the senate; many require the action of both houses of Congress to be carried into effect. They must, therefore, be in harmony with public opinion. The Executive could not change this system even if he should ever desire to. It must be accepted, with all its difficulties and all its advantages; and it has been approved by the experience of a hundred years.

As to the measure of success which our recent diplomacy has met with, it is difficult, if not impossible, for me to speak. There are two important lines of human endeavor in which men are forbidden even to allude to their success—affairs of the heart and diplomatic affairs. In doing so, one not only commits a vulgarity which transcends all question of taste, but makes all future success impossible. For this reason, the diplomatic representatives of the government must frequently suffer in silence the most outrageous imputations upon their

patriotism, their intelligence, and their common honesty. To justify themselves before the public, they would sometimes have to place in jeopardy the interests of the nation. They must constantly adopt for themselves the motto of the French revolutionist, "Let my name wither, rather than my country be injured."

But if we are not permitted to boast of what we have done, we can at least say a word about what we have tried to do, and the principles which have guided our action. The briefest expression of our rule of conduct is, perhaps, the Monroe Doctrine and the Golden Rule. With this simple chart we can hardly go far wrong.

I think I may say that our sister republics to the south of us are perfectly convinced of the sincerity of our attitude. They know we desire the prosperity of each of them, and peace and harmony among them. We no more want their territory than we covet the mountains of the moon. We are grieved and distressed when there are differences among them, but even then we should never think of trying to compose any of those differences unless by the request of both parties to it. Not even our earnest desire for peace among them will lead us to any action which might offend their national dignity or their just sense of independence. We owe them all the consideration which we claim for ourselves. To critics in various climates who have other views of our purposes we can only wish fuller information and more quiet consciences.

As to what we have tried to do—what we are still trying to do—in the general field of diplomacy, there is no reason for doubt on the one hand or reticence on the other. President McKinley in his messages during the last four years has made the subject perfectly clear. We have striven, on the lines laid down by Washington, to cultivate friendly relations with all powers, but not to take part in the formation of groups or combinations among them. A position of complete independence is not incompatible with relations involving not friendship alone, but concurrent action, as well, in important emergencies. We have kept always in view the fact that we are preëminently a peace-loving people; that our normal activities are in the

direction of trade and commerce; that the vast development of our industries imperatively demands that we shall not only retain and confirm our hold on our present markets, but seek constantly, by all honorable means, to extend our commercial interests in every practicable direction. It is for this reason we have negotiated the treaties of reciprocity which now await the action of the senate; all of them conceived in the traditional American spirit of protection to our own industries, and yet mutually advantageous to ourselves and our neighbors. In the same spirit we have sought, successfully, to induce all the great powers to unite in a recognition of the general principle of equality of commercial access and opportunity in the markets of the Orient. We believe that "a fair field and no favor" is all we require; and with less than that we cannot be satisfied. If we accept the assurances we have received as honest and genuine, as I certainly do, that equality will not be denied us; and the result may safely be left to American genius and energy.

We consider our interests in the Pacific Ocean as great now as those of any other power, and destined to indefinite development. We have opened our doors to the people of Hawaii, we have accepted the responsibility of the Philippines which Providence imposed upon us; we have put an end to the embarrassing condominium in which we were involved in Samoa, and while abandoning none of our commercial rights in the entire group, we have established our flag and our authority in Tutuila, which gives us the finest harbor in the South Seas. Next in order will come a Pacific cable, and an isthmian canal for the use of all well-disposed peoples, but under exclusive American ownership and American control—of both of which great enterprises President McKinley and President Roosevelt have been the energetic and consistent champions.

Sure as we are of our rights in these matters, convinced as we are of the authenticity of the vision which has led us thus far and still beckons us forward, I can yet assure you that so long as the administration of your affairs remains in hands as strong and skillful as those to which they have been and are

now confided, there will be no more surrender of our rights than there will be violation of the rights of others. The President to whom you have given your invaluable trust and confidence, like his now immortal predecessor, is as incapable of bullying a strong power as he is of wronging a weak one. He feels and knows—for has he not tested it, in the currents of the heady fight, as well as in the toilsome work of administration?—that the nation over whose destinies he presides has a giant's strength in the works of war, as in the works of peace. But that consciousness of strength brings with it no temptation to do injury to any power on earth, the proudest or the humblest. We frankly confess we seek the friendship of all the powers; we want to trade with all peoples; we are conscious of resources that will make our commerce a source of advantage to them and of profit to ourselves. But no wantonness of strength will ever induce us to drive a hard bargain with another nation because it is weak, nor will any fear of ignoble criticism tempt us to insult or defy a great power because it is strong, or even because it is friendly.

The attitude of our diplomacy may be indicated in a text of Scripture, which Franklin—the first and greatest of our diplomats—tells us passed through his mind when he was presented at the Court of Versailles. It was a text his father used to quote to him in the old candle shop in Boston, when he was a boy: "Seest thou a man diligent in his business? he shall stand before kings." Let us be diligent in our business and we shall stand—stand, you see, not crawl, nor swagger—stand, as a friend and equal, asking nothing, putting up with nothing but what is right and just, among our peers, in the great democracy of nations.

## AMERICAN IDEALS

# Politics and the Demands of Good Citizenship

By BENJAMIN B. ODELL, Jr.

POLITICS is the science of government and of civil policies In America, it is neither a business nor a profession, but it is incident to business, and the man who enters politics, either in a business or a professional way, will have a hard road to travel, unless he has a paying business behind him. When a man is permitted to vote, he is at an age when he can make his own decisions and arrive at his own conclusions; and, if he votes this way or that way, simply because an elder or a friend, or a family affiliation is stronger than his idea of right government, then he is nothing more than a political drone. Every man should know for whom he is casting his vote, and the reason why. It is his right, by virtue of his power of citizenship, to think for himself. It is necessary, for the country's welfare, that the young citizens should think for themselves. If governments are to be improved or sustained, the study of the economies of politics should be denied to no young man any more than his citizenship should be denied to him, and I believe that political economy should be sufficiently simplified to permit a course in its rudiments in the primary schools. Such study should fit the future voter for the proper promulgation and administration of his beliefs. It is the influence of independent voters that affects the decisions of public questions most powerfully.

The young man who wishes to make politics an active part

of his life must cast to the winds the belief that it is an impeachment of respectability to be associated with a party, or with the management of a party. Strong, well developed, well managed combinations are just as apt to show their supremacy in politics as in business, and it is not discreditable nor demoralizing to blend one's interest with such an organization. If the citizen keeps steadfastly in his mind the patriotic principles that bind him to his party and the honest convictions which must attend the man who becomes a factor in the management of his nation, then no stigma can be placed on his name; no carping critic can defame him, because he has his country's best interests at heart. A man who would draw the line between his own apparent social standing and the public political attitude of his neighbor, should lose the respect of his fellow men. If we are to continue a clean, progressive, earnest public service, then we must create politicians of the same caliber.

The United States is in need of such young men, and let us hope that our colleges, our farms, and our business marts will develop them. Let us hope that they may be able to grasp the opportunities now spread before them on all sides, and make the nation even greater than it is. There is no hope for the idle in this age; but there are great hopes for the shrewd, tenacious, energetic man, whose brains have been rounded into proper shape by a good American education. If a young man feels that his abilities are such as to make him an official, he should enter politics; but, once in the arena, he should not be seeking, seeking continually. My experience is that business men make the best politicians. There are many instances to attest this statement, notably the case of Senator Platt, of New York, whose great business intelligence has been invaluable. This has been responsible, in a great measure, for his success. The educated man in politics is becoming more and more a potent factor and necessity. If there are any young men training for politics, let me tell them that they will never regret gaining all the knowledge within their grasp.

The success of men in politics is not so frequent as the success of men in business. Some have not the mental endurance to remain in politics, for politics brooks many defeats. But

ing, all over the country, because the men who conduct them know the secret of competition and have the ability to compete with any adversary. Business competition is still the lubricator that produces trade, and trade makes the commercial standing of a country, and it is not necessary for me to tell of the commercial standing of the United States.

Hold fast to your ideals. That is what I call a good motto. Be cautious about being of a vacillating nature. Young men should weigh well the abandonment of a course once begun, no matter what apparently dread specters appear in the path. Life is short and the time allotted to us for making our career is shorter, and those are the most fortunate who steer away from the dim horizon of uncertainty and distraction. The perpetuity of an undertaking means its victory.

Whatever the world has chosen for you, perform your part in it like a man. The most absurd theory that men and women can take to heart is the one that the world owes them a living, and that it should be forced to pay it. The world needs the assistance of mankind, but only in order that it may bestow in return its many good things. And every one, young or old, should do his utmost in his chosen field to help along the work of the world. If it had not been for the progress of education and labor, the present condition would have been a sorry one. There are those who, having arrived at a certain age, feel that they are too late to go ahead. The time for effort is never past; the age for learning is never over. Those who feel that their sphere of usefulness is at an end are those who make up the ranks of the idle, the discontented, the complaining, and the indisposed, and become the shipwrecks of existence.

By hard work, the exercise of mental faculties, strictly obeying the rules of honor, daring to do right, and observing kindness and gentleness, success will come to any man—whether in business or in politics.

# THE CITIZEN IN HIS RELATION TO OFFICE-HOLDERS

## The Unit of Authority

By HERBERT WELSH

UNDER all forms of effective government there is naturally a center of authority and of honor. This center is to men's physical sight, as to the inward eye of the spirit, the personification of the nation as a whole. In old times, when royalty was a reality and not merely a social survival of a once living political force, or even in modern times where it still remains vital, the king was, or is, the center of authority and of honor. He was the fountain from whence power, favor, and honor flowed. It was so in our mother land, England, and it was so naturally and of right. The authority of the nation, the power to plan and to do, had to be lodged somewhere, and in times when the many were both weak and ignorant, and when the few were also ignorant but strong, when these fortunate latter persons had at least the power to devise and to execute, it was but natural and fitting that their prerogative should be fully recognized and loyally upheld by their fellows, and that the foremost and most representative man among these privileged few—the king—should legally and morally, on the written page and in men's hearts and imaginations, be the center of authority. The crown truly was placed on the king's brow and the scepter truly in his hand, and the royal purple covered his shoulders.

But authority unlimited, unrestrained, is a weight that weak human nature never has been able to bear without stumbling

under it. Its tendency to breed tyrants of men who, but for this temptation, might have been good, is proverbial, and so a House of Lords, a body of nobles, which should to a certain degree hold the king in check—sharing and restraining his authority, became an inevitably natural condition existing with the exercise of royal power. For centuries it has been so in the land whence we came. But with the widening of men's minds, through the growth of peaceful industries and the steady diffusion of general knowledge, the influence of the interests of those who were neither of royal descent nor the offspring of noble families, made itself more and more felt. A House of Commons struggled on through the centuries with the royal prerogative and a House of Lords. The incidents of the struggle varied according to times and conditions; the popular side might be strong and assertive, as in the time of the elder Charles, when that weak and vacillating monarch tempted the Commons to strike a vigorous blow, and when, through the opportunity offered by a leader of genius, that blow was delivered with fatal effect. Or the royal side might be momentarily victorious, as in the times of Charles II., when the current of political reaction was running strong; but it was nevertheless true that the popular cause was steadily advancing, the royal cause weakening. The Commons were slowly curbing the prerogative of the king. It was an evolutionary rather than a revolutionary process, the perfectly natural and legitimate result of changing conditions.

European civilization generally, Anglo-Saxon civilization especially, was moving toward a fuller acknowledgment of the requirements of the individual man, as a child of God, as a member of the body politic, and a recognition of his rights as the outcome of his requirements. He had become more than he had been, and he must receive more to satisfy the larger existence into which he was being born.

The prerogative of the king was contracting with the king's diminishing size as a political entity; the prerogative of the man, of the "subject," as he continues by an anachronism to be called, was expanding.

On the virgin soil of the New World, civilized man—mainly

of Anglo-Saxon origin—found himself "set in a large room." He came with Old World traditions, (but he came with the least restraining of them, for he was himself the exile of their most pronounced tyranny) to subdue vast, unconquered nature, and to battle with savage man and beasts. He performed his appointed task, and, left free to expand and mature the best that was in him, he began slowly to work out new forms of man's salvation, and to evolve a new national type. Partly English Roundhead, partly English Cavalier, partly English Quietest, or Quaker, partly English Catholic and French Huguenot, and Dutch Protestant, but in each case being a protestant against some form of tyranny, he was working out in his own especial region of the Atlantic coast line the new political and social type—the American. He was fashioning a people free from caste and prejudice, with larger ideas of personal and political liberty, with a tenderer sympathy for humanity at large, with a larger material and practical ability, and, in all lines of intellectual endeavor, with more initiative and more self reliance than the world had yet seen.

The American Revolution, which came naturally and in the fulness of time, was like most transitions of man in his individual progress from a lower to a higher sphere, something of a revelation to the particular subjects of it. It awoke scattered colonists, in some instances of different and hostile nationalities, or at least of sharply opposed religious views, to the great fact that they were becoming a moral and social unit, as they had become a political unit. In this new birth, with its intoxicating, scarcely understood freedom, its undefined, vast, material possibilities, its release from oppression and danger of conflict with other nations, the citizen—a subject no longer—assumed a position of dignity and power never before realized under any political state in the world. With the declaration of political independence of Great Britain, and, subsequently with the adoption of the Constitution, the American citizen placed on his own brow the crown of authority, grasped in his own strong right hand the scepter of power, and covered his own hard-worked shoulders with the ermine and purple of kingly honor. It was the moment of the actual coronation of the English

freeman; it was the assumption of a power that may here truly be called royal, hitherto associated only with the pageantry of a coronation. It was an invisible crown with power, not a visible one without power, that the American citizen assumed.

In this theory of the American Constitution, and in actual fact, the President of the United States, the highest executive officer in the land, is only the representative and servant of the humblest citizen, armed with the ballot. To the citizen, even the President is responsible for his every official act, and all his official acts must be performed under strictly defined constitutional limitations. The citizen's law-making representatives, whether in state or federal spheres of political action, are likewise responsible to him, as the unit of power and of honor. Not only can he vote them out of office as he had voted them in, thus finally approving or condemning their stewardship of delegated powers, but constantly in the long interim between elections—those stated periods when the citizen performs his highest functions—the Constitution guarantees him the rights of free speech and a free press. These are most practical and invaluable privileges by which he is enabled fully and unrestrainedly to discuss the manner in which his representatives conduct public affairs, pointing out therein anything that may be amiss or not to his liking.

If at any time, for one cause or another, the American citizen forgets the existence of this great function of his, or is indifferent to its value, or suffers himself to be intimidated from making use of it, that does not prove that the right does not exist or that it cannot be rendered serviceable.

The institution of negro slavery in the United States, and its forced development, due to the increased commercial value of cotton, created in the Northern and Southern states divergent and antagonistic forces of civilization. The Civil War was the result. The institution of slavery was extinguished, and the conditions of industry have gradually become practically uniform in both sections, so that the people of the long separated sections will, under similar influences of industry, education, and religious ideals, become one.

But issues of perhaps as great moment as that raised by

slavery are confronting the United States to-day. One of the greatest of these is engendered by the inevitable tendency of our political life to become sordid and, in a low sense, professional; devoid of any moral life, without high ideals, or inspiring aims. It is quite natural that it should be so under the powerful material influences which present conditions, not only in the United States but in the world at large, create in modern society. With us on this side of the Atlantic these influences are intensified. The predominating ambition among us is the creation and the accumulation of wealth. A virgin soil, the material improvements of the age to which the inventive genius of our people has so largely contributed, all put us in the forefront of the world's wealth-getters. This tendency is so strong, that, in the fierce competition which exists, ethical considerations are apt to be forgotten. The higher problems of statesmanship and the finer interests of human progress drop out of sight. The very desire to ponder, to comprehend these problems, and to solve them, either dies in men's minds, or the moral atmosphere through which they regard them becomes tinged with the prevailing materialism. What is likely to result from such conditions? The final issue, it would seem, unless some practical remedy be found, must inevitably be a lapse to precisely that state of autocratic power—the reverse of the democratic ideal—which the Fathers of the Republic sought to escape from, to gain emancipation from which they made such heroic sacrifices. The machinery of government has become with us, whether we consider its workings in our great cities—New York, Chicago, Philadelphia—or whether in the national sphere, largely controlled by corporate commercial demands or the varied forms of individual self-interest. If the tendency be not checked by some counterbalancing force, that can be readily harnessed to effect its purpose and placed within the easy reach of the public at large, then the democratic ideal toward which the moral struggle of past centuries seems to have been tending, cannot be attained. Instead of the citizen—intelligent, instructed, moral, existing as the unit of power, and acting through all executives and all legislative representatives for his own protection and benefit, and for the

general good of mankind—instead of realizing this noble and beautiful ideal which has been the bright dream of our greatest statesmen, thinkers, poets, and philosophers, and which the most liberal and advanced minds of other nations have trusted that we would attain, we find ourselves moving toward a very different issue. Instead of the citizen, endowed with the most absolute freedom consistent with law, being the unit of power, a blind and immoral aggregation of wealth will be that unit. It will be a unit of power irresponsible to public sentiment and disobedient to all laws that it does not find convenient to obey. It will be a unit of power tending to make all political organizations and all instruments of government, whether military or civil, obedient to its will. Any protest against its desires upon the part of an individual citizen, any free expression of opinion, the right to which is now guaranteed by the Constitution, it will regard as one of the most serious of offenses and will punish accordingly. If the center of political authority ever completely shifts from the individual citizen, where with us it has so long rested and where theoretically it still belongs, to some form of organized wealth acting through corrupt political organizations, it can no more afford to permit free speech and a free press than could an absolute monarch permit these primary necessities of a democracy. But the tendency of affairs moves in that direction now, indifferent though many of us be to the truth, and long though the journey may be before the tendency be a consummated fact.

What, then, is the remedy? What is the line of reform to be adopted, if the United States is to move steadily forward toward a realization of the free democratic ideals in which the citizen is in reality a sovereign and the unit of power? The answer, in theory, is quite simple. The difficulties, in a way, are those of a purely practical nature. The citizen must use his citizenship. This function, like those in the physical body, atrophies through disuse. That is all. His old-fashioned, high ideals are attainable if he has a mind to attain them. He must magnify his office. He must think on great public subjects, and state boldly to his fellow citizens and to his political representatives his conclusions when he has duly reached

them. He must write, and speak, and act with a strong conviction that what he says through these natural channels for the communication of thought and belief, and what he does, will have their proper weight and influence. His word will not return to him void. It will do so less in this country and this latter time than ever before in the history of the world. His influence for good will, in some ways, be stronger for the very reason that he holds no official position—that he is a simple citizen. If he feels deeply, if he speaks sincerely, if he really aims to strengthen what is true and right, to befriend the weak, and ignorant, and helpless, to advance the general good, in a word, to be a true citizen, it will not be long before his fellows will understand and respect his motives, and his efforts shall achieve a reasonable measure of success. No one will more respect the unofficial worker for the public good than does the official worker for personal ends, however much he may try to misrepresent the unofficial citizen's motives, or to thwart his efforts. This official, who would like permanently to usurp the place of the sovereign citizen and to rob him of his authority, knows well that the citizen holds it by an inborn right.

Those who have had almost a quarter of a century's experience in organized, voluntary, and gratuitous work of a nature partly philanthropic and partly political—a work in which the force employed to produce results is solely that of public sentiment—feel hopeful and strong, rather than discouraged, as they look back over past years. They have seen all well-directed efforts reach a measure of success; every frank appeal to the public conscience, based on a clear statement of facts in each particular case and of the reasons for such action as was advocated by them, meets with a cordial response. In each instance, when the citizen has so appealed to his free fellow citizens, power has been evolved, and that power has had its legitimate effect in providing a remedy for a wrong or in pushing through some good work that halted or stumbled for the lack of a helping hand.

But such work as that done by citizens' leagues and reform associations, or the Indian Rights Association, needs to be indefinitely multiplied. The rich privilege, the great duty of

American citizenship needs to be intellectually apprehended, morally grasped, by each one of us. And then each must make an honest, brave use of our stewardship. The forces which threaten our democracy were never so powerful nor so threatening as they are to-day, but the converse is also true, the forces at our disposal to meet and to overcome the danger were never greater or readier to our hand. It is a great time in which to live, for never did the individual man have at his disposal for the moral and intellectual battle of his life a more formidable armory than that with which the American citizen is equipped. What is required is that our people should be awakened to a clear view of the situation and to a sense of individual power and personal responsibility.

# THE CITIZEN IN HIS RELATION TO OFFICE-HOLDERS

## Political Dishonesty

By HENRY WARD BEECHER

POLITICAL dishonesty breeds dishonesty of every kind. It is possible for good men to permit single sins to coexist with general integrity, where the evil is indulged through ignorance. Once, undoubted Christians were slave-traders. They might be, while unenlightened; but not in our times. A state of mind which will intend one fraud will, upon occasions, intend a thousand. He that upon one emergency will lie, will be supplied with emergencies. He that will perjure himself to save a friend will do it, in a desperate juncture, to save himself. The highest Wisdom has informed us that he that is unjust in the least, is unjust also in much. Circumstances may withdraw a politician from temptation to any but political dishonesty; but, under temptation, a dishonest politician would be a dishonest cashier—would be dishonest anywhere—in anything. The fury which destroys an opponent's character would stop at nothing, if barriers were thrown down. That which is true of the leaders in politics is true of subordinates. Political dishonesty in voters runs into general dishonesty, as the rotten speck taints the whole apple. A community whose politics is conducted by a perpetual breach of honesty on both sides, will be tainted by immorality throughout. Men will play the same game in their private affairs that they have learned to play in public matters. The guile, the crafty vigilance, the dishonest advantage, the cunning sharpness, the tricks and traps and sly evasions, the equivocal promises, and

unequivocal neglect of them, which characterize political action, will equally characterize private action. The mind has no kitchen to do its dirty work in, while the parlor remains clean. Dishonesty is an atmosphere; if it comes into one apartment, it penetrates into every one. Whoever will lie in politics, will lie in traffic. Whoever will slander in politics, will slander in personal squabbles. A professor of religion who is a dishonest politician is a dishonest Christian. His creed is a perpetual index of his hypocrisy.

The genius of our government directs the attention of every citizen to politics. Its spirit reaches the uttermost bound of society, and pervades the whole mass. If its channels are slimy with corruption, what limit can be set to its malign influence? The turbulence of elections, the virulence of the press, the desperation of bad men, the hopelessness of efforts which are not cunning, but only honest, have driven many conscientious men from any concern with politics. This is suicidal. Thus the tempest will grow blacker and fiercer. Our youth will be caught up in its whirling bosom and dashed to pieces, and its hail will break down every green thing. At God's house the cure should begin. Let the hand of discipline smite the leprous lips which shall utter the profane heresy: All is fair in politics. If any hoary professor, drunk with the mingled wine of excitement, shall tell our youth that a Christian man may act in politics by any other rule of morality than that of the Bible; and that wickedness performed for a party is not as abominable as if done for a man; or that any necessity justifies or palliates dishonesty in word or deed—let such a one go out of the camp, and his pestilent breath no longer spread contagion among our youth. No man who loves his country should shrink from her side when she groans with raging distempers. Let every Christian man stand in his place; rebuke every dishonest practice; scorn a political as well as a personal lie; and refuse with indignation to be insulted by the solicitation of an immoral man. Let good men of all parties require honesty, integrity, veracity, and morality in politics, and there, as powerfully as anywhere else, the requisitions of public sentiment will ultimately be felt.

# THE CITIZEN IN HIS RELATION TO OFFICE-HOLDERS

## The Independent in Politics

By GEORGE WILLIAM CURTIS

THE progress of liberty is the history of party; Samuel Adams and Patrick Henry, Jefferson and Hamilton, Washington and Lincoln, were all party men. In England, John Pym and John Hampden, Burke and Fox, Pitt and Peel, and to-day Gladstone, Bright, and Beaconsfield, are party leaders. The repeal of the Corn Laws, the Reform Bill of 1832, the disestablishment of the Irish Church, as in our own country the freedom of the territories, the vigorous prosecution of the war to save the government itself and to secure constitutional guaranties of equal rights to equal citizens, were all party triumphs. They were the results of tremendous and bitter contests. Here is the secret of the romance of party loyalty, upon which politicians trade. It is a sentiment indeed, but so is love, so is patriotism, so is religion. If this makes independence within the party difficult, it is none the less indispensable, and those who sneer at it as incompatible with the conditions of party forget that it is only independence within the party which secures political progress by means of party. The vital point in every political party is its independent element, and from that, and from that alone, springs political progress.

It is true that party action becomes impossible if every member insists upon having his own way; there must be, undoubtedly, general concession and sacrifice of mere personal preference; but every member must also decide for himself

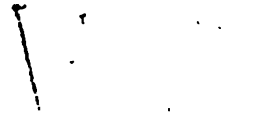
how far this may go, and where it must end. No member has a right to appeal to another to stand by the party who does not do what he can to make that party worth standing by. A party is made efficient only through men. It is necessarily judged by its candidate, and if its members support unworthy candidates to-day, for the sake of the party, they make it all the easier to support unworthier candidates to-morrow. If I agree to vote for Jeremy Diddler to-day, because he is the regularly selected standard-bearer of the grand old party of honesty and reform, I cannot refuse to vote for Benedict Arnold to-morrow, because he is the standard-bearer of the grand old party of independence and patriotic glory. If the reply be that no one pretends that we ought to vote for candidates of bad character, I answer that a candidate who for any reason justly discredits the party and thereby imperils its success, and consequently its objects, is, from the party point of view, an unfit man, and fidelity to the party demands the rejection of the candidate.

A system is rapidly developing itself, which usurps the political initiative, the vital point of popular government, and which rules in the name of the party, as the meanest king was said to rule by the grace of God. This system is known as the "machine." The machine is an oligarchy, a combination, a ring or clique of professional politicians, of men who live by the emoluments of official place. In a popular government, an election is an appeal to the people. In this country, under our complicated system, it is a series of events of which the first is the action of the primary meeting. And that first action is decisive. Our government begins at the primary, and whoever or whatever controls that controls the government. That is the fountain, and if that is tainted the whole stream will be poisoned.

It is true that there is immense political indifference among good citizens, and that, even if all barriers were removed, multitudes of intelligent men would still neglect their political duty.

While good men sit at home, not knowing that there is anything to be done, nor caring to know, cultivating the feeling that politics is tiresome and dirty, and politicians vulgar

GEORGE WILLIAM CURTIS.



bullies and bravoes, half persuaded that a republic is the contemptible rule of the mob, and secretly longing for a strong man and a splendid and vigorous despotism, then remember it is not a government mastered by ignorance, it is a government betrayed by intelligence. It is not the victory of the slums, it is the surrender of the schools. It is not that bad men are politically shrewd, it is that good men are political infidels and cowards.

The challenge is fair, and I answer at once that there are two practicable and perfectly effective remedies for the monster evil which threatens our politics. One is individual and immediate. The other is general and radical. The first, which is immediately available, is a short and easy method with the "machine," requiring no elaborate organization, open to every voter,—a method which, if put in force by every man who wishes to strike a blow for decent politics, would summarily overthrow the machine in the least time and with the smallest of weapons, for the weapon is but a pencil or a pen, and the time is only a moment necessary for a scratch.

But useful as scratching is as a corrective, it does not strike at the heart of the machine, and it is therefore only a corrective and not a radical remedy. That can be found only by finding the source of the power of the machine, and that source is official patronage. It is the command of millions of the public money spent in public administration, the control of the vast labyrinth of place, with its emoluments, the system which makes the whole civil service, to the least detail, and the most insignificant position, the spoils of party victory. It is this system which perverts necessary party organization into intolerable party despotism. It is upon this that the hierarchy of the machine is erected. The spoils system compels every voter in the country either to devote his whole time to politics, as those who live by politics do, or to lose all practical political power whatever. Instead, therefore, of being essential to party government, the spoils system is hostile to the very object of party in a free government, and destroys the principle of government itself. In the State of New York and in the State of Pennsylvania, this system has already so far sup-

planted the American principle—the fundamental principle of liberty—that the important Republican question in New York is not, What does the party wish, but what does Mr. Conkling say? And in Pennsylvania, not, What is the conviction of the party, but what does Mr. Cameron mean to do?

Once make universal at every point and throughout the country, both in the state and national service, the system which has been adopted for a year in the New York post-office and the New York custom house, in which three quarters of the revenue of the country is collected, and the machine would disappear. The administration of President Hayes has been arraigned and sharply criticised for inexplicable inconsistencies and for surrender to the evil system; but when its faults are all told, it still remains true that this administration has done far more for the actual reform of the civil service than any other in our history.

Courage, then, gentlemen, and forward! Let us, who believe this reform to be a measure of the most vital importance, not a panacea for all political ills, not the harbinger of the millennium, but the most practicable method of remedying immense abuse and averting imminent dangers, remember that if every step of political progress has been secured by party, yet that individual conviction and independence have made parties. Our fathers were willing subjects of the crown so long as the crown obeyed the law. But when the king became a despot, they shook off king and crown together. We are Americans, born of freedom, and we are recreant Americans if we do not hold ourselves as much the enemies of the despotism of a party as our fathers were enemies of the tyranny of a king.

# NATION BUILDING, PROGRESS AND PATRIOTISM

## Home and Education

THE organized household, with its system of government and its domestic economy, forms a miniature society, a school of discipline. Parental affection supplies care, patience, and loving persistence, by which alone the best results can be secured. Children are trained to prompt instinctive habits, which are often more useful than reasoned conduct; they learn to practice subordination and obedience, which are so necessary in social tasks of coöperation; in their relations with brothers, sisters, and parents, they are taught principles of justice, and sentiments of courtesy and kindness, which make true social life possible; they are specially trained, usually with the aid of schools and other institutions, to perform certain of the tasks which society imposes upon its members, and thus are prepared to take their places in the social organism.

SMALL AND VINCENT.

The man who kindles the fire on the hearth-stone of an honest and righteous home burns the best incense to liberty. He does not love mankind less who loves his neighbor most. Exalt the citizen. As the state is the unit of government, he is the unit of the state. Teach him that his home is his castle, and his sovereignty rests beneath his hat. Make him self-respecting, self-reliant, and responsible. Let him lean on the state for nothing that his own arm can do, and on the government for nothing that his state can do. Let him cultivate

independence to the point of sacrifice, and learn that humble things with unbartered liberty are better than splendors bought with its price. HENRY W. GRADY.

The fireside, the pulpit, the school, and the shop must be linked and leagued together. Each must help every other. Home must connect itself in all its firm authorities, sweet affections, and tender influences, with pulpit, school, and shop. Pulpit must send its reverence, faith, and hope, its lofty moral and religious standards, and its sacred magnetisms into home, school, and shop. School must reach, with its habits of honest, concentrated, and continuous thinking, its wealth of learning and its broad horizons, pulpit, home, and shop; and shop must put its knowledge of men and things, its tact, industry, and economy, and its wholesome common sense into the administrations of the family, the utterances of the pulpit, and the instructions of the school. JOHN H. VINCENT.

## The Nature of Law

THE law does not say to a man, "Work, and I will reward you;" but it says to him, "Work, and by stopping the hand that would take them from you, I will insure to you the fruits of your labor, its natural and sufficient reward, which, without me, you could not preserve." If industry creates, it is the law which preserves; if, at the first moment, we owe everything to labor, at the second, and every succeeding moment, we owe everything to the law.

JEREMY BENTHAM.

Law and arbitrary power are in eternal enmity. Name me a magistrate, and I will name property; name me power and I will name protection. It is a contradiction in terms, it is blasphemy in religion, it is wickedness in politics, to say that any man can have arbitrary power.

In every patent of office the duty is included. For what else does a magistrate exist? To suppose for power is an

absurdity in idea. Judges are guided and governed by the eternal laws of justice, to which we are all subject. We may bite our chains, if we will; but we shall be made to know ourselves, and be taught that man is born to be governed by *law*, and he that will substitute *will* in the place of it is an enemy to God.

EDMUND BURKE.

The Anglo-Saxon race, from which we inherit so much that is valuable in our character as well as our institutions, has been remarkable in all its history for a love of law and order. I but repeat the language of the Supreme Court of the United States when I say that "in this country the law is supreme." No man is so high as to be above law. No officer of the government may disregard it with impunity. To this inborn and native regard for law, a governing power, we are largely indebted for the wonderful success and prosperity of our people, for the security of our rights; and, when the highest law to which we pay this homage is the Constitution of the United States, the history of the world has furnished no such wonder of a prosperous, happy, civil government.

SAMUEL F. MILLER.

Implicit obedience to law and the mandates of duly organized courts is the vital principle of free, elective government. Upon it rest the pillars of the Republic. No grievance, however great, can justify a resort to lawless violence for its redress. If the time shall ever come when obedience to law can be maintained only by the strong arm of military power, despotism or anarchy is near at hand. It is for the living generations to see to it that the fruits of free constitutional government, garnered by the sacrifices of the heroic dead, are not wasted in the future, and that the priceless legacy of liberty bequeathed by our fathers shall be transmitted unimpaired to coming times.

GALUSHA A. GROW.

No man's property is safe, and no man's welfare is assured, where justice is denied to the poor, or where crime goes unpunished; no state can prosper, however rich the land or varied

the resources, where human rights are not respected. If states can not, or do not, govern themselves justly, and accord an equal chance to all their citizens, their influence in the councils of the nation must be small indeed. DAVID A. WELLS.

Mob law is a crime, whether in the hands of strikers trying to maintain a monopoly of labor, or in the hands of citizens of the vicinage, manifesting their virtue or getting their revenge by putting a man to death without warrant of law.

CHARLES A. DANA.

The anarchists are natural and avowed social rebels. The disease which we are examining is an old-fashioned one, with an old-fashioned name, which scarcely seems to have a place in science any longer; namely, sin, rebellion. It is said that Cain was the first anarchist. But there is a story of an older, and far more powerful anarchist, the king of all anarchists, that arch-rebel Satan. This does no injustice to the anarchists, because the founder of modern anarchy, Michael Bakounin, delights to honor Satan. RICHARD T. ELY.

## Freedom of Thought and Speech

THIS is the appropriate region of human liberty. It comprises, first, the inward domain of consciousness, demanding liberty of conscience in the most comprehensive sense; liberty of thought and feeling; absolute freedom of opinion and sentiment on all subjects, practical or speculative, scientific, moral, or theological. Secondly, the principle requires liberty of tastes and pursuits; of framing the plan of our life to suit our own character; of doing as we like, subject to such consequences as may follow, without impediment from our fellow-creatures, so long as what we do does not harm them, even though they should think our conduct foolish, perverse, or wrong. Thirdly, from this liberty of each individual, follows the liberty, within the same limits, of combination among indi-

viduals; freedom to unite, for any purpose not involving harm to others; the persons combining being supposed to be of full age, and not forced or deceived.

JOHN STUART MILL.

Liberty, in its absolute sense, means the faculty of willing and the power of doing what has been willed, without influence from any other source, or from without. It means self-determination; unrestrainedness of action. In this absolute meaning there is but one free Being, because there is but one Being whose will is absolutely independent of any influence but that which He wills himself, and whose power is adequate to His absolute will—who is almighty.

FRANCIS LIEBER.

The power of thought has been given to us for the discernment of the truth, and there are no proper limits to its exercise but those which the truth itself has set. Freedom of thought is an inalienable birthright of the human soul. To abridge it through governmental interference by punishing one for his opinion is an intolerable despotism. Freedom of speech and of the press follow from the right of free thought, and these are especially guarded in our different Constitutions, the Constitution of the Union declaring that Congress shall make no law abridging "the freedom of speech or of the press." But here we need to note the difference between freedom and license. Freedom of speech or of the press does not mean unlimited permission to speak or write or print whatever one pleases. However unlimited may be one's right to his own opinions, he may, by uttering these, invade the rights of others, and this he has no right to do. He may not become a disturber of the public peace by inciting, through speech or print, to sedition or public violence. He may not become a corrupter of morals by printing pestilential literature. He may not injure the good name of another by slander or libel. It may not be always easy to determine just when and where governmental interference should take place, but the principle is clear, that while every person may hold his own opinions without molestation from the

government, any expression of these which interferes with the public freedom the public, through its government, has the right to put down. JULIUS H. SEELYE.

The more we consider the independence of the press in its principal consequences, the more are we convinced that it is the chief, and, so to speak, the constitutive element of freedom in the modern world. A nation which is determined to remain free is therefore right in demanding the unrestrained exercise of its independence. ALEXIS C. H. DE TOCQUEVILLE.

## Freedom of Worship

A CAREFUL examination of the American Constitutions will disclose the fact that nothing is more fully set forth, or more plainly expressed, than the determination of their authors to preserve and perpetuate religious liberty and to guard against the slightest approach toward the establishment of an inequality in the civil and political rights of citizens, which shall have for its basis only their differences of religious belief. The American people came to the work of framing their fundamental laws, after centuries of religious oppression and persecution had taught them the utter futility of all attempts to propagate religious opinions by the rewards, penalties, or terrors of human laws. While careful to establish, protect, and defend religious freedom and equality, the American Constitutions contain no provisions which prohibit the authorities from such solemn recognition of a superintending Providence in public transactions and exercises as the general religious sentiment of mankind inspires, and seems meet and proper in finite and dependent beings. THOMAS COOLEY.

The arrangement of God which makes man's conscience his guide to action, is beneficent every way. The results will be seen in the end in a purer piety; in a nobler self-devotion; in a grander and more powerful grasp of the principles of duty; in a

more exalted communion with God in His holiness; in a higher disregard of the blandishments of time; in a mightier unfolding of all spiritual force; in a deeper impression on the history of the world.

RICHARD S. STORRS.

For me, though censured, threatened, persecuted, I must profess, while heaven and earth last, that no one tenent that either London, England, or the world doth harbor, is so heretical, blasphemous, seditious, and dangerous to the corporal, to the spiritual, to the present, to the eternal good of all men as the bloody tenent (however washed and whited), I say, as is the bloody tenent of persecution for cause of conscience.

ROGER WILLIAMS.

The whole history of the Christian religion shows that she is in far greater danger of being corrupted by the alliance with the civil power than of being crushed by its opposition.

THOMAS B. MACAULAY.

Religious liberty, like civil liberty, the liberty of speech, the liberty of the press, and every other liberty, is liable to abuse and consequent punishment. Every man's liberty is limited by the golden rule, not to do unto others what we would not have them do unto us. Nobody has a right to trespass on the rights of his neighbor, or to do wrong. A government consults its own interest by protecting all and persecuting none.

PHILIP SCHAFF.

## Our Constitution and Our Government

THE Constitution of the United States forms a government, not a league, and whether it be formed by compact between the states or in any other manner, its character is the same. It is a government in which all the people are represented, which operates directly upon the people individually, not upon the states—they retained all the power they did not

grant. But each state having expressly parted with so many powers as to constitute, jointly with the other states, a single nation, cannot from that period possess any right to secede, because such secession does not break a league, but destroys the unity of a nation, and any injury to that unity is not only a breach which would result from the contravention of a compact, but is an offense against the whole Union. To say that any state may at pleasure secede from the Union is to say that the United States is not a nation, because it would be a solecism to contend that any part of a nation might dissolve its connection with the other parts, to their injury or ruin, without committing any offense. ANDREW JACKSON.

The American Constitution is, so far as I can see, the most wonderful work ever struck off at a given time by the brain and purpose of man. WILLIAM E. GLADSTONE.

I confess I do not often envy the United States, but there is one feature in their institutions which appears to me the subject of the greatest envy—their magnificent institution of a Supreme Court. MARQUIS OF SALISBURY.

There never existed an example before of a free community spreading over such an extent of territory; and the ablest and profoundest thinkers, at the time, believed it to be utterly impracticable that there should be. Yet this difficult problem was solved—successfully solved—by the wise and sagacious men who framed our Constitution. No; it was above unaided human wisdom—above the sagacity of the most enlightened. It was the result of a fortunate combination of circumstances coöperating and leading the way to its formation; directed by that kind Providence which has so often and so signally disposed events in our favor. JOHN C. CALHOUN.

Society can no more exist without government, in one form or another, than man without society. It is the political, then, which includes the social, that is, his natural state; it is the one for which his Creator formed him, into which he is impelled

irresistibly, and in which only his race can exist and all his faculties be fully developed. Such being the case, it follows that any—the worst—form of government is better than anarchy; and that individual liberty or freedom must be subordinate to whatever power may be necessary to protect society against anarchy within or destruction from without; for the safety and well-being of society are as paramount to individual liberty as the safety and well-being of the race is to that of individuals, and, in the same proportion, the power necessary for the safety of society is paramount to individual liberty.

JOHN C. CALHOUN.

It is the function of civil government to make it easy to do right and difficult to do wrong.

WILLIAM E. GLADSTONE.

The first object of a free people is the preservation of their liberty, and liberty is to be preserved only by maintaining constitutional restraints and just divisions of political power. Nothing is more deceptive or more dangerous than the pretence of a desire to simplify government. The simplest governments are despotisms, limited monarchies; but all republics, all governments of law, must impose numerous limitations and qualifications of authority, and give many positive and many qualified rights. In other words, they must be subject to rule and regulation. This is the very essence of free political institutions.

DANIEL WEBSTER.

Since the final end of life is the development of character, government is to be tested, not by the temporal and immediate advantages which it may afford, but by its power to promote the development of true men and women. No government accomplishes this end so effectively as democratic government. Since democratic government is self-government, it introduces every man into the school of experience—of all schools the one in which the training is most thorough and the progress most rapid. The gradual and increasing effect of democracy is to give to its pupils, in lieu of a faith in some unknown God, first

faith in humanity and then in God, as witnessed in life and experience of humanity; in lieu of a reverence for a few elect superiors, respect for all men; in lieu of a lethargic counterfeit of contentment, a far-reaching and inspiring, though sometimes too eager, hopefulness; and in lieu of an often servile submission to accidental masters, a spirit of sturdy independence and mutual fellowship. So does democracy, though by very gradual and often conflicting processes, produce the liberty of a universal brotherhood, and possess the secret of public peace, the promise of public prosperity, the hope of social righteousness, and inspiration to illimitable progress.

LYMAN ABBOTT.

The American system is a complete one, reaching down to the foundations, and the foundations are its most important portions. At the bottom lies the township, which divides the whole North and West into an infinity of little republics, each managing its own local affairs. In the old states they differ in their area and machinery. In the new states of the West they are more regular in size, being generally six miles square. Each township elects its own local officers and manages its own local affairs. Annually a town meeting is held of all the voters, and suffrage is limited only by citizenship. At these meetings, not only are the local officers elected, such as supervisors, town clerks, justices of the peace, road-masters, and the like, but money is appropriated for bridges, schools, libraries, and other purposes of a local nature.

Next above the township stands the county, an aggregate of a dozen or so of towns. Its officials—sheriffs, judge, clerks, registrars, and other officers to manage county affairs—are chosen at the general state election. It has also a local assembly, formed of the town supervisors. They audit accounts, supervise the county institutions, and legislate as to various county matters.

Above the counties, again, stands the state government, with its legislature, which passes laws relating to state affairs; and finally, the Federal government, which deals only with national concerns. The whole forms a consistent and harmonious sys-

tem, which reminded Matthew Arnold of a well-fitting suit of clothes, loose where it should be loose, and tight where tightness is an advantage. DOUGLAS CAMPBELL.

The President of the United States is nothing more than an elective trustee or agent, chosen by the people to administer certain well-defined and specific trusts for them and as their representative. Our fathers formulated that portion of the Constitution which concerned the presidential office under a realizing sense of the evils they had suffered while subject to the caprices of a royal ruler, and guarded well against any assumption of power or prerogative by the individual which could threaten or endanger the liberty of the people. Over one hundred years of experience have proven the wisdom and foresight of the statesmen of the Revolution. They "planned wisely and builded well." The President is still the *servant* of the people. His powers are great, but the fear of absolutism or of usurpation of supreme authority by him never disturbs us. The nation, even in time of war, rests secure in the consciousness of its power to confine within constitutional limits the exercise of executive authority. BENJAMIN F. TRACY.

But outside, and above, and beyond all this, is the people—steady, industrious, self-possessed, caring little for abstractions, and less for abstractionists, but with one deep, common sentiment, and with the consciousness, calm but quite sure and earnest, that in the Constitution and the Union, as they received them from their fathers, and as they themselves have observed and maintained them, is the sheet-anchor of their hope, the pledge of their prosperity, the palladium of their liberty; and with this is that other consciousness, not less calm and not less earnest, that in their own keeping exclusively, and not in that of any party leaders, or party demogogues, or political hacks or speculators, is the integrity of that Union and that Constitution. It is in the strong arms and honest hearts of the great masses, who are not members of Congress, nor holders of office, nor spouters at town-meetings, that resides the safety

of the state; and these masses, though slow to move, are irresistible, when the time and the occasion for moving come.

CHARLES KING.

I maintain that our democratic principle is not that the people are always right. It is this rather: that although the people may sometimes be wrong, yet that they are not so likely to be wrong and to do wrong, as irrepressible hereditary magistrates and legislators; that it is safer to trust the many with the keeping of their own interests, than it is to trust the few to keep those interests for them. ORVILLE DEWEY.

## The Nature and Development of Patriotism

IT is the love of the people, it is their attachment to their government from the sense of the deep stake they have in such a glorious institution, which gives you your army and your navy, and infuses into both that liberal obedience without which your army would be a base rabble and your navy nothing but rotten timber. EDMUND BURKE.

That patriotism which, catching its inspiration from on high, and leaving at an immeasurable distance below all lesser, groveling, personal interests and feelings, animates and prompts to deeds of self-sacrifice, of valor, of devotion, and of death itself—that is public virtue; that is the noblest, the sublimest of all public virtues! Personal or private courage is totally distinct from that higher and nobler courage which prompts the patriot to offer himself a voluntary sacrifice to his country's good. HENRY CLAY.

What is it to be an American? Putting aside all the outer shows of dress and manners, social customs and physical peculiarities, is it not to believe in America and in the American people? Is it not to have an abiding and moving faith in the

# CELEBRATED AND UNIQUE MANUSCRIPT AND BOOK ILLUSTRATIONS.

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## *THE CROWNING OF HENRY IV. OF ENGLAND.*

*From an Old French manuscript of Froissart, of the 15th century.*

Of the crowning of the King, Henry, Duke of Lancaster, which was done with consent of the whole Commons of England, and of the manner of the festival which was thereupon held.

CHAPTER LXXVIII.

In the year of our Lord one thousand four hundred less one (1399) came to England in the month of September and the last day of the month a * * *

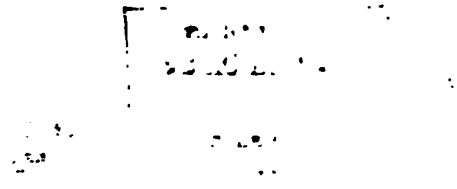
Were. And there was the whole of said people assembled at Westminster this Tuesday before said Duke of Lancaster there present and his men. And there the Duke of Lancaster challenged (claimed) the realm of England, and demanded to be King on three sorts of grounds. First, by conquest; secondly, forasmuch as he said he was direct heir to the crown, and thirdly, for that he [had received it as a gift from the pure and free resignation of it to him by King Richard in the presence of the prelates dukes and earls in the hall of the tower of London.]

Du couronnement du roy henry duc de laucastre Puy se fist du consente ment de tout le commun dangleterre Et de la maniere de la feste quy si tint.

LA CHAPITRE LXXVIII.

EN lan de nostre seigneur mil c c c c vng moins aduint en angleterre ou mois se septembre, et le darrain iou dicelly mois vng * * *

Estoient. Et la fut tout ledit poeuple assamble a Wesmoustier ce mardi deuant dit present duc le lancastre et ses gens. Et la calengga le duc de lancastre le royaulme dangleterre et requist a estre roy par trois manieres de cas, Premierement par conquest, secondement pour tant que il se disoit estre droit hoir de la courronne Et tierchement par ce que le. [* * * *



Du couronnement du tryhen
duc de lancastre/ Quy se fist du
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terre/ Et de la mamere de la fe
quy si tint. Le chapitre hy

A Mil lan de nostre seign
cyul cccc/ vng/ mon
Aduint en angleterr
mois de septembre/
darrain iour dicellup mois par

eſtoient/ Et la fut tout ledit poeu-
ple aſſamble a Westmouſtier/ et mar
di deuant dit/ preſent le duc de lan-
caſtre et ſes gens/ Et la calenga le
duc de lancaſtre le royaulme dangle-
terre/ et requiſt a eſtre roy par trois
manieres de cas/ premierement p
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que il ſe diſoit eſtre droit hoir de la co
ronne/ Et tiercheement par ce que le

future and in the destiny of America?—something above and beyond the patriotism and love which every man whose soul is not dead within him feels for the land of his birth? Is it not to be national and not sectional, independent and not colonial? Is it not to have a high conception of what this great new country should be, and to follow out that ideal with loyalty and truth? HENRY CABOT LODGE.

Have we not learned that not stocks nor bonds, nor stately houses nor lands, nor the product of the mill, is our country? It is a spiritual thought that is in our minds. It is the flag and what it stands for. It is its glorious history. It is the fireside and the home. It is the high thoughts that are in the heart, born of the inspiration which comes by the stories of their fathers, the martyrs to liberty; it is the grave-yards into which our careful country has gathered the unconscious dust of those who have died. Here, in these things, is that which we love and call our country, rather than in anything that can be touched or handled. BENJAMIN HARRISON.

With passionate heroism, of which tradition is never weary of tenderly telling, Arnold von Winkelried gathers into his bosom the sheaf of foreign spears, that his death may give life to his country. So Nathan Hale, disdaining no service that his country demands, perishes untimely, with no other friend than God and the satisfied sense of duty. So George Washington, at once comprehending the scope of the destiny to which his country was devoted, with one hand puts aside the crown, and with the other sets his slaves free. So, through all history from the beginning, a noble army of martyrs has fought fiercely and fallen bravely for that unseen mistress, their country. So, through all history to the end, as long as men believe in God, that army must still march and fight and fall—recruited only from the flower of mankind, cheered only by their own hope of humanity, strong only in their confidence in their cause.

GEORGE W. CURTIS.

In the war of the Revolution, when it was thought the cause was lost, men became inspired at the very mention of the

name of George Washington. In 1812, when we succeeded once more against the mother country, men were looking for a hero, and there rose before them that rugged, grim, independent old hero, Andrew Jackson. In the last and greatest of all wars, an independent and tender-hearted man was raised up by Providence to guide the helm of state through that great crisis, and men confidingly placed the destinies of this great land in the hands of Abraham Lincoln. In the annals of our country, we find no man whose training had been so peaceful, whose heart was so gentle, whose nature was so tender, and yet who was called upon to marshal the hosts of the masses of the people during four years of remorseless and bloody and unrelenting fratricidal war.

HORACE PORTER.

And how is the spirit of a free people to be formed and animated and cheered, but out of the storehouse of its historic recollections? Are we to be eternally ringing the changes upon Marathon and Thermopylæ; and going back to read in obscure texts of Greek and Latin of the exemplars of patriotic virtue? I thank God that we can find them nearer home, in our own country, on our own soil; that strains of the noblest sentiment that ever swelled in the breast of man, are breathing to us out of every page of our country's history, in the native eloquence of our native tongue; that the colonial and provincial councils of America exhibit to us models of the spirit and character which gave Greece and Rome their name and their praise among the nations. Here we may go for our instruction; the lesson is plain, it is clear, it is applicable.

EDWARD EVERETT.

As the American youth, for uncounted centuries, shall visit the capital of his country—strongest, richest, freest, happiest of the nations of the earth—from the stormy coast of New England, from the luxurious regions of the Gulf, from the prairie and the plain, from the Golden Gate, from far Alaska—he will admire the evidences of its grandeur and the monuments of its historic glory.

He will find there rich libraries and vast museums, which

show the product of that matchless inventive genius of America, which has multiplied a thousandfold the wealth and comfort of human life. He will see the simple and modest portal through which the great line of the Republic's chief magistrates have passed, at the call of their country, to assume an honor surpassing that of emperors and kings, and through which they have returned, in obedience to her laws, to take their place again as equals in the ranks of their fellow citizens. He will stand by the matchless obelisk, which, loftiest of human structures, is itself but the imperfect type of the loftiest of human characters. He will gaze upon the marble splendors of the Capitol, in whose chambers are enacted the statutes under which the people of a continent dwell together in peace, and the judgments are rendered which keep the forces of states and nation alike within their appointed bounds. He will look upon the records of great wars and the statues of great commanders. But, if he know his country's history, and consider wisely the sources of her glory, there is nothing in all these which will so stir his heart as two fading and time-soiled papers whose characters were traced by the hands of the fathers one hundred years ago. They are the original records of the acts which devoted this nation, forever, to equality, to education, to religion, and to liberty. One is the Declaration of Independence, the other is the Ordinance of 1787.

GEORGE F. HOAR.

# Meaning and Literature of the Flag

ALL hail to our glorious ensign! Courage to the heart, and strength to the hand, to which, in all time, it shall be entrusted! May it ever wave in honor, in unsullied glory, and patriotic hope, on the dome of the Capitol, on the country's stronghold, on the tented plain, on the wave-rocked topmast. Wherever, on the earth's surface, the eye of the American shall behold it, may he have reason to bless it! On whatsoever spot it is planted, there may freedom have a foothold, humanity a brave champion, and religion an altar. Though stained with

blood in a righteous cause, may it never, in any cause, be stained with shame. Alike, when its gorgeous folds shall wanton in lazy holiday triumphs on the summer breeze, and its tattered fragments be dimly seen through the clouds of war, may it be the joy and the pride of the American heart. First raised in the cause of right and liberty, in that cause alone may it forever spread out its streaming blazonry to the battle and the storm. Having been borne victoriously across the continent, and on every sea, may virtue, and freedom, and peace forever follow where it leads the way. EDWARD EVERETT.

There is the national flag! He must be cold, indeed, who can look upon its folds rippling in the breeze without pride of country. If he be in a foreign land, the flag is companionship, and country itself with all its endearments. Who, as he sees it, can think of a state merely? Whose eye once fastened upon its radiant trophies can fail to recognize the image of the whole nation?

It has been called a "floating piece of poetry;" and yet I know not if it have any intrinsic beauty beyond other ensigns. Its highest beauty is in what it symbolizes. It is because it represents all, that all gaze at it with delight and reverence. It is a piece of bunting lifted in the air; but it speaks sublimely and every part has a voice. Its stripes of alternate red and white proclaim the original union of thirteen states to maintain the Declaration of Independence. Its stars, white on a field of blue, proclaim that union of states constituting our national constellation, which receives a new star with every new state. The two together signify union, past and present. The very colors have a language which was officially recognized by our fathers. White is for purity, red for valor, blue for justice; and all together—bunting, stripes, stars, and colors, blazing in the sky—make the flag of our country, to be cherished by all our hearts, to be upheld by all our hands.

CHARLES SUMNER.

I have recently returned from an extended tour of the states, and nothing so impressed and so refreshened me as the

universal display of this banner of beauty and glory. It waved over the school-houses; it was in the hands of the school children. As we speeded across the sandy wastes at some solitary place, a man, a woman, a child, would come to the door and wave it in loyal greeting. Two years ago I saw a sight that has ever been present in my memory. As we were going out of the harbor of Newport, about midnight, on a dark night, some of the officers of the torpedo station had prepared for us a beautiful surprise. The flag at the depot station was unseen in the darkness of the night, when suddenly electric search lights were turned on it, bathing it in a flood of light. All below the flag was hidden, and it seemed to have no touch with earth, but to hang from the battlements of heaven. It was as if heaven was approving the human liberty and human equality typified by that flag.

BENJAMIN HARRISON.

For myself, in our federal relations, I know but one section, one union, one flag, one government. That section embraces every state; that union is the Union sealed with the blood and consecrated by the tears of the Revolutionary struggle; that flag is the flag known and honored in every sea under heaven; which has borne off glorious victory from many a bloody battle field, and yet stirs with warmer and quicker pulsations the heart's blood of every true American, when he looks upon its stars and stripes. I will sustain that flag wherever it waves—over the sea or over the land. And when it shall be despoiled and disfigured, I will rally around it still, as the star-spangled banner of my fathers and my country; and, so long as a single stripe can be discovered, or a single star shall glimmer from the surrounding darkness, I will cheer it as the emblem of a nation's glory and a nation's hope.

DANIEL S. DICKINSON.

Behold it! Listen to it! Every star has a tongue; every stripe is articulate. "There is no language or speech where their voices are not heard." There is magic in the web of it. It has an answer for every question of duty. It has a solution

for every doubt and perplexity. It has a word of good cheer for every hour of gloom or of despondency. Behold it! Listen to it! It speaks of earlier and of later struggles. It speaks of victories, and sometimes of reverses, on the sea and on the land. It speaks of patriots and heroes among the living and the dead. But before all and above all other associations and memories, whether of glorious men, or glorious deeds, or glorious places, its voice is ever of Union and Liberty, of the Constitution and the Laws.

ROBERT C. WINTHROP.

In 1777, within a few days of one year after the Declaration of Independence, the Congress of the Colonies assembled and ordained this glorious national flag which we now hold and defend, and advanced it full high before God and all men, as the flag of liberty.

It was no holiday flag emblazoned for gayety or vanity. It was a solemn national signal. When that banner first unrolled to the sun, it was the symbol of all those holy truths and purposes which brought together the Colonial American Congress! Our flag means, then, all that our fathers meant in the Revolutionary War; it means all that the Declaration of Independence meant; it means all that the Constitution of our people, organizing for justice, for liberty, and for happiness, meant. Our flag carries American ideas, American history, and American feelings. Beginning with the colonies and coming down to our time, in its sacred heraldry, in its glorious insignia, it has gathered and stored chiefly this supreme idea—*divine right of liberty in man.* Every color means liberty; every thread means liberty; every form of star and beam or stripe of light means liberty: not lawlessness, not license; but organized, institutional liberty—liberty through law, and laws for liberty.

It is not a painted rag. It is a whole national history. It is the Constitution. It is the government. It is the free people that stand in the government on the Constitution. Forget not what it means; and for the sake of its ideas, be true to your country's flag.

HENRY WARD BEECHER.

When Freedom from her mountain height
  Unfurled her standard to the air,
She tore the azure robe of night,
  And set the stars of glory there.
She mingled with its gorgeous dyes
The milky baldric of the skies,
And striped its pure celestial white
With streakings of the morning light;
Then, from his mansion in the sun,
She called her eagle bearer down,
And gave into his mighty hand
The symbol of her chosen land.
Majestic monarch of the cloud,
  Who rear'st aloft thy regal form,
To hear the tempest trumpings loud
And see the lightning lances driven,
  When strive the warriors of the storm,
And rolls the thunder drum of heaven,—
Child of the sun! to thee 't is given
  To guard the banner of the free;
To hover in the sulphur smoke,
To ward away the battle stroke;
And bid its blendings shine afar,
Like rainbows on the clouds of war,
  The harbingers of victory!

—JOSEPH R. DRAKE.

# What Constitutes Good Citizenship

THE future of American civilization, and with it the future of the world's civilization, is to be determined not by the influence of trade alone, but by the influence of trade joined with the influence of broad intelligence, humanitarian sympathies and unselfish purposes. The highest title in the new order of nobility will be neither "merchant" nor "scholar," nor yet "gentleman," in its conventional sense, but "citizen" —a title rich in its suggestion of public spirit, the recognition

of the claims of human brotherhood, the merging of the individual into the higher life of the community, of the nation, of humanity itself. A. V. V. RAYMOND.

In order to understand the theory of the American government, the most serious, calm, persistent study should be given to the Constitution of the United States. I don't mean learning it by heart, committing it to memory. What you want is to understand it, to know the principles at the bottom of it; to feel the impulse of it; to feel the heart-beat that thrills through the whole American people. That is the vitality that is worth knowing; that is the sort of politics that excels all the mysteries of ward elections, and lifts you up into a view where you can see the clear skies, the unknown expanse of the future.
CHARLES A. DANA.

Few people have the leisure to undertake a systematic and thorough study of history, but every one ought to find time to learn the principal features of the governments under which we live and to get some inkling of the way in which these governments have come into existence, and of the causes which have made them what they are. JOHN FISKE.

The three great menaces to our institutions are corruption, violence, and indifference, affecting the ballot. To the two former, public discussions show that we are alive. The last, however, is more insidious and not less alarming. In some of the older communities, notably in the great cities, a large and growing class neglects all political duties. Some think themselves too busy, some affect a lofty contempt for all public affairs, while others, like Gallio, "care for none of these things." Such men are no more honest or patriotic than he who unworthily avoids any other debt or duty. They have apparently no conception of their obligations as citizens, and are unworthy of their high privileges. The man who won't do his part in public affairs, who won't vote, ought to be disfranchised. If compulsory education is right, why not compulsory suffrage? Let

the man who, without good excuse, fails to vote, be deprived of the right to vote. "Blessings brighten as they take their flight."

W. H. H. MILLER.

The disfranchisement of a single elector by fraud or intimidation is a crime too grave to be regarded lightly. The right of every qualified elector to cast one free ballot and to have it honestly counted must not be questioned. Every constitutional power should be used to make this right secure and to punish frauds upon the ballot. BENJAMIN HARRISON.

We reach the wider field of politics and shape the national policy through the town meeting and the party caucus. They should neither be despised nor avoided, but made potent in securing the best agents for executing the popular will. The influence which goes forth from the township and precinct meetings is felt in state and national legislation, and is at last embodied in the permanent forms of law and written Constitutions. I cannot too earnestly invite you to the closest personal attention to party and political caucuses and the primary meetings of your respective parties. They constitute that which goes to make up at last the popular will. They lie at the basis of all true reform. It will not do to hold yourself aloof from politics and parties. If the party is wrong, make it better; that's the business of the true partisan and good citizen.

WILLIAM MCKINLEY.

# The Declaration of Independence

[In Congress, July 4, 1776.—The Unanimous Declaration of the Thirteen United States of America.]

WHEN in the Course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume among the Powers of the earth, the separate and equal station to which the Laws of Nature and of Nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty, and the pursuit of Happiness. That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed. That whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute a new Government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to effect their Safety and Happiness. Prudence, indeed, will dictate that Governments long established should not be changed for light and transient causes; and accordingly all experience hath shown, that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But when a long train of abuses and usurpations, pursuing invariably the same Object, evinces a design to reduce them under absolute Despotism, it is their right, it is their duty

to throw off such Government, and to provide new Guards for their future security.—Such has been the patient sufferance of these Colonies; and such is now the necessity which constrains them to alter their former Systems of Government. The history of the present King of Great Britain is a history of repeated injuries and usurpations, all having in direct object the establishment of an absolute Tyranny over these States. To prove this, let Facts be submitted to a candid world.

He has refused his Assent to Laws, the most wholesome and necessary for the public good.

He has forbidden his Governors to pass Laws of immediate and pressing importance, unless suspended in their operation till his Assent should be obtained; and when so suspended, he has utterly neglected to attend to them.

He has refused to pass other Laws for the accommodation of large districts of people, unless those people would relinquish the right of Representation in the Legislature, a right inestimable to them and formidable to tyrants only.

He has called together legislative bodies at places unusual, uncomfortable, and distant from the depository of their Public Records, for the sole purpose of fatiguing them into compliance with his measures.

He has dissolved Representative Houses repeatedly, for opposing with manly firmness his invasion on the rights of the people.

He has refused for a long time, after such dissolutions, to cause others to be elected; whereby the Legislative Powers, incapable of Annihilation, have returned to the People at large for their exercise; the State remaining in the mean time exposed to all the dangers of invasion from without, and convulsions within.

He has endeavoured to prevent the population of these States; for that purpose obstructing the Laws for Naturalization of Foreigners; refusing to pass others to encourage their migration hither, and raising the conditions of new Appropriations of Lands.

He has obstructed the Administration of Justice, by refusing his Assent to Laws for establishing Judiciary Powers.

He has made Judges dependent on his Will alone, for the tenure of their offices, and the amount and payment of their salaries.

He has erected a multitude of New Offices, and sent hither swarms of Officers to harrass our People, and eat out their substance.

He has kept among us, in times of peace, Standing Armies without the Consent of our legislature.

He has affected to render the Military independent of and superior to the Civil Power.

He has combined with others to subject us to a jurisdiction foreign to our constitution, and unacknowledged by our laws; giving his Assent to their Acts of pretended Legislation:

For quartering large bodies of armed troops among us.

For protecting them, by a mock Trial, from Punishment for any Murders which they should commit on the Inhabitants of these States:

For cutting off our Trade with all parts of the world:

For imposing taxes on us without our Consent:

For depriving us in many cases, of the benefits of Trial by Jury:

For transporting us beyond Seas to be tried for pretended offences:

For abolishing the free System of English Laws in a neighbouring Province, establishing therein an Arbitrary government, and enlarging its Boundaries so as to render it at once an example and fit instrument for introducing the same absolute rule into these Colonies:

For taking away our Charters, abolishing our most valuable Laws, and altering fundamentally the Forms of our Governments:

For suspending our own Legislatures, and declaring themselves invested with Power to legislate for us in all cases whatsoever.

He has abdicated Government here, by declaring us out of his Protection and waging War against us.

He has plundered our seas, ravaged our Coasts, burnt our towns, and destroyed the lives of our people.

He is at this time transporting large armies of foreign mercenaries to compleat the works of death, desolation and tyranny already begun with circumstances of Cruelty & perfidy scarcely paralleled in the most barbarous ages, and totally unworthy the Head of a civilized nation.

He has constrained our fellow Citizens taken Captive on the high Seas to bear Arms against their Country, to become the executioners of their Friends and Brethren, or to fall themselves by their Hands.

He has excited domestic insurrections amongst us, and has endeavoured to bring on the inhabitants of our frontiers the merciless Indian Savages, whose known rule of warfare, is an undistinguished destruction of all ages, sexes and conditions.

In every stage of these Oppressions We have Petitioned for Redress in the most humble terms: Our repeated Petitions have been answered only by repeated injury. A Prince, whose character is thus marked by every act which may define a Tyrant, is unfit to be the ruler of a free People.

Nor have We been wanting in attention to our Brittish brethren. We have warned them from time to time of attempts by their legislature to extend an unwarrantable jurisdiction over us. We have reminded them of the circumstances of our emigration and settlement here. We have appealed to their native justice and magnanimity, and we have conjured them by the ties of our common kindred to disavow these usurpations, which, would inevitably interrupt our connections and correspondence. They too have been deaf to the voice of justice and of consanguinity. We must, therefore, acquiesce in the necessity, which denounces our Separation, and hold them, as we hold the rest of mankind, Enemies in War, in Peace Friends.

We, therefore, the Representatives of the united States of America, in General Congress, Assembled, appealing to the Supreme Judge of the world for the rectitude of our intentions, do, in the Name, and by Authority of the Good People of these Colonies, solemnly publish and declare, That these United Colonies are, and of Right ought to be, Free and Independent States; that they are Absolved from all Allegiance to the Brit-

ish Crown, and that all political connection between them and the State of Great Britain, is and ought to be totally dissolved; and that as Free and Independent States, they have full Power to levy War, conclude Peace, contract Alliances, establish commerce, and to do all other Acts and Things which Independent States may of right do. And for the support of this Declaration, with a firm reliance on the Protection of Divine Providence, we mutually pledge to each other our Lives, our Fortunes and our sacred Honour.

JOHN HANCOCK.

*New Hampshire* —Josiah Bartlett, Wm. Whipple, Matthew Thornton.

*Massachusetts Bay* —Saml. Adams, John Adams, Robt. Treat Paine, Elbridge Gerry.

*Rhode Island*—Step. Hopkins, William Ellery.

*Connecticut* —Roger Sherman, Sam'el Huntington, Wm. Williams, Oliver Wolcott.

*New York* —Wm. Floyd, Phil. Livingston, Frans. Lewis, Lewis Morris.

*New Jersey*—Richd. Stockton, Jno. Witherspoon, Fras. Hopkinson, John Hart, Abra. Clark.

*Pennsylvania*—Robt. Morris, Benjamin Rush, Benja. Franklin, John Morton, Geo. Clymer, Jas. Smith. Geo. Taylor, James Wilson, Geo. Ross.

*Delaware*—Cæsar Rodney, Geo. Read, Tho. M'Kean.

*Maryland*—Samuel Chase, Wm. Paca, Thos. Stone, Charles Carroll of Carrollton.

*Virginia*—George Wythe, Richard Henry Lee, Th. Jefferson, Benja. Harrison, Thos. Nelson, jr., Francis Lightfoot Lee, Carter Braxton.

*North Carolina*—Wm. Hooper, Joseph Hewes, John Penn.

*South Carolina*—Edward Rutledge, Thos. Heyward, Junr., Thomas Lynch, Junr., Arthur Middleton.

*Georgia*—Button Gwinnett, Lyman Hall, Geo. Walton.

# The Articles of Confederation

*Articles of Confederation and Perpetual Union between the States of New Hampshire, Massachusetts Bay, Rhode Island and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia.*

ARTICLE I.—The style of this Confederacy shall be, "The United States of America."

ART. II.—Each State retains its sovereignty, freedom, and independence, and every power, jurisdiction, and right, which is not by this Confederation expressly delegated to the United States in Congress assembled.

ART. III.—The said States hereby severally enter into a firm league of friendship with each other, for their common defense, the security of their liberties, and their mutual and general welfare, binding themselves to assist each other against all force offered to, or attacks made upon them, or any of them, on account of religion, sovereignty, trade, or any other pretense whatever.

ART. IV.—The better to secure and perpetuate mutual friendship and intercourse among the people of the different States in this Union, the free inhabitants of each of these States, paupers, vagabonds, and fugitives from justice excepted, shall be entitled to all privileges and immunities of free citizens in the several States; and the people of each State shall have free ingress and egress to and from any other State, and shall enjoy therein all the privileges of trade and commerce subject to the same duties, impositions, and restrictions as the inhabitants thereof respectively; provided that such restrictions shall not extend so far as to prevent the removal of property imported into any State to any other State of which the owner is an inhabitant; provided also, that no imposition, duties, or

restrictions shall be laid by any State on the property of the United States or either of them. If any person guilty of, or charged with, treason, felony, or other high misdemeanor in any State shall flee from justice and be found in any of the United States, he shall, upon demand of the governor or executive power of the State from which he fled, be delivered up and removed to the State having jurisdiction of his offense. Full faith and credit shall be given in each of these States to the records, acts, and judicial proceedings of the courts and magistrates of every other State.

ART. V.—For the more convenient management of the general interests of the United States, delegates shall be annually appointed in such manner as the legislature of each State shall direct, to meet in Congress on the first Monday in November, in every year, with a power reserved to each State to recall its delegates, or any of them, at any time within the year, and to send others in their stead for the remainder of the year. No State shall be represented in Congress by less than two, nor by more than seven, members; and no person shall be capable of being a delegate for more than three years in any term of six years; nor shall any person, being a delegate, be capable of holding any office under the United States for which he, or another for his benefit, receives any salary, fees, or emolument of any kind. Each State shall maintain its own delegates in any meeting of the States and while they act as members of the Committee of the States. In determining questions in the United States in Congress assembled, each State shall have one vote. Freedom of speech and debate in Congress shall not be impeached or questioned in any court or place out of Congress; and the members of Congress shall be protected in their persons from arrests and imprisonment during the time of their going to and from, and attendance on, Congress, except for treason, felony, or breach of the peace.

ART. VI.—No State, without the consent of the United States, in Congress assembled, shall send any embassy to, or receive any embassy from, or enter into any conference, agreement, alliance, or treaty with any king, prince, or state; nor shall any person holding any office of profit or trust under the

United States, or any of them, accept of any present, emolument, office, or title of any kind whatever from any king, prince, or foreign state; nor shall the United States in Congress assembled, or any of them, grant any title of nobility.

No two or more States shall enter into any treaty, confederation, or alliance whatever between them, without the consent of the United States, in Congress assembled, specifying accurately the purposes for which the same is to be entered into, and how long it shall continue.

No State shall lay any imposts or duties which may interfere with any stipulations in treaties entered into by the United States, in Congress assembled, with any king, prince, or state, in pursuance of any treaties already proposed by Congress to the courts of France and Spain.

No vessel of war shall be kept up in time of peace by any State, except such number only as shall be deemed necessary by the United States, in Congress assembled, for the defense of such State or its trade, nor shall any body of forces be kept up by any State in time of peace, except such number only as, in the judgment of the United States, in Congress assembled, shall be deemed requisite to garrison the forts necessary for the defense of such State; but every State shall always keep up a well-regulated and disciplined militia, sufficiently armed and accoutred, and shall provide and constantly have ready for use in public stores a due number of field-pieces and tents, and a proper quantity of arms, ammunition, and camp equipage.

No State shall engage in any war without the consent of the United States, in Congress assembled, unless such State be actually invaded by enemies, or shall have received certain advice of a resolution being formed by some nation of Indians to invade such State, and the danger is so imminent as not to admit of a delay till the United States, in Congress assembled, can be consulted; nor shall any State grant commissions to any ships or vessels of war, nor letters of marque or reprisal, except it be after a declaration of war by the United States, in Congress assembled, and then only against the kingdom or state, and the subjects thereof, against which war has been so declared, and under such regulations as shall be established by

the United States, in Congress assembled, unless such State be infested by pirates, in which case vessels of war may be fitted out for that occasion, and kept so long as the danger shall continue, or until the United States, in Congress assembled, shall determine otherwise.

ART. VII.—When land forces are raised by any State for the common defense, all officers of or under the rank of Colonel shall be appointed by the Legislature of each State respectively by whom such forces shall be raised, or in such manner as such State shall direct, and all vacancies shall be filled up by the State which first made the appointment.

ART. VIII.—All charges of war, and all other expenses that shall be incurred for the common defense, or general welfare, and allowed by the United States, in Congress assembled, shall be defrayed out of a common treasury, which shall be supplied by the several States in proportion to the value of all land within each State, granted to, or surveyed for, any person, as such land and the buildings and improvements thereon shall be estimated, according to such mode as the United States, in Congress assembled, shall, from time to time, direct and appoint. The taxes for paying that proportion shall be laid and levied by the authority and direction of the Legislatures of the several States, within the time agreed upon by the United States, in Congress assembled.

ART. IX.—The United States, in Congress assembled, shall have the sole and exclusive right and power of determining on peace and war, except in the cases mentioned in the sixth Article; of sending and receiving ambassadors; entering into treaties and alliances, provided that no treaty of commerce shall be made, whereby the legislative power of the respective States shall be restrained from imposing such imposts and duties on foreigners as their own people are subjected to, or from prohibiting the exportation or importation of any species of goods or commodities whatever; of establishing rules for deciding, in all cases, what captures on land and water shall be legal, and in what manner prizes taken by land or naval forces in the service of the United States shall be divided or appropriated; of granting letters of marque and reprisal in times of

peace; appointing courts for the trial of piracies and felonies committed on the high seas; and establishing courts for receiving and determining finally appeals in all cases of captures; provided that no member of Congress shall be appointed a judge of any of the said courts.

The United States, in Congress assembled, shall also be the last resort on appeal in all disputes and differences now subsisting, or that hereafter may arise, between two or more States concerning boundary, jurisdiction, or any other cause whatever; which authority shall always be exercised in the manner following: Whenever the legislative or executive authority, or lawful agent of any State in controversy with another, shall present a petition to Congress, stating the matter in question, and praying for a hearing, notice thereof shall be given by order of Congress to the legislative or executive authority of the other State in controversy, and a day assigned for the appearance of the parties by their lawful agents, who shall then be directed to appoint, by joint consent, commissioners or judges to constitute a court for hearing and determining the matter in question; but if they cannot agree, Congress shall name three persons out of each of the United States, and from the list of such persons each party shall alternately strike out one, the petitioners beginning, until the number shall be reduced to thirteen; and from that number not less than seven nor more than nine names, as Congress shall direct, shall, in the presence of Congress, be drawn out by lot; and the persons whose names shall be so drawn, or any five of them, shall be commissioners or judges, to hear and finally determine the controversy, so always as a major part of the judges who shall hear the cause shall agree in the determination; and if either party shall neglect to attend at the day appointed, without showing reasons which Congress shall judge sufficient, or being present, shall refuse to strike, the Congress shall proceed to nominate three persons out of each State, and the secretary of Congress shall strike in behalf of such party absent or refusing; and the judgment and sentence of the court, to be appointed in the manner before prescribed, shall be final and conclusive, and if any of the parties shall refuse to submit to the authority of such court, or to

appear or defend their claim or cause, the court shall nevertheless proceed to pronounce sentence or judgment, which shall in like manner be final and decisive; the judgment or sentence and other proceedings being in either case transmitted to Congress, and lodged among the acts of Congress for the security of the parties concerned; provided, that every commissioner, before he sits in judgment, shall take an oath, to be administered by one of the judges of the supreme or superior court of the State where the cause shall be tried, "well and truly to hear and determine the matter in question, according to the best of his judgment, without favor, affection, or hope of reward." Provided, also, that no State shall be deprived of territory for the benefit of the United States.

All controversies concerning the private right of soil claimed under different grants of two or more States, whose jurisdictions, as they may respect such lands, and the States which passed such grants are adjusted, the said grants or either of them being at the same time claimed to have originated antecedent to such settlement of jurisdiction, shall, on the petition of either party to the Congress of the United States, be finally determined, as near as may be, in the same manner as is before prescribed for deciding disputes respecting territorial jurisdiction between different States.

The United States, in Congress assembled, shall also have the sole and exclusive right and power of regulating the alloy and value of coin struck by their own authority, or by that of the respective States; fixing the standard of weights and measures throughout the United States; regulating the trade and managing all affairs with the Indians, not members of any of the States; provided that the legislative right of any State, within its own limits, be not infringed or violated; establishing and regulating post-offices from one State to another, throughout all the United States, and exacting such postage on the papers passing through the same as may be requisite to defray the expenses of the said office; appointing all officers of the land forces in the service of the United States, excepting regimental officers; appointing all the officers of the naval forces, and commissioning all officers whatever in the service of the

United States; making rules for the government and regulation of the said land and naval forces, and directing their operations.

The United States, in Congress assembled, shall have authority to appoint a committee, to sit in the recess of Congress, to be denominated "A Committee of the States," and to consist of one delegate from each State, and to appoint such other committees and civil officers as may be necessary for managing the general affairs of the United States under their direction; to appoint one of their number to preside; provided that no person be allowed to serve in the office of president more than one year in any term of three years; to ascertain the necessary sums of money to be raised for the service of the United States, and to appropriate and apply the same for defraying the public expenses; to borrow money or emit bills on the credit of the United States, transmitting every half year to the respective States an account of the sums of money so borrowed or emitted; to build and equip a navy; to agree upon the number of land forces, and to make requisitions from each State for its quota, in proportion to the number of white inhabitants in such State, which requisition shall be binding; and thereupon the Legislature of each State shall appoint the regimental officers, raise the men, and clothe, arm, and equip them in a soldier-like manner, at the expense of the United States; and the officers and men so clothed, armed, and equipped shall march to the place appointed, and within the time agreed on by the United States, in Congress assembled; but if the United States, in Congress assembled, shall, on consideration of circumstances, judge proper that any State should not raise men, or should raise a smaller number than its quota, and that any other State should raise a greater number of men than the quota thereof, such extra number shall be raised, officered, clothed, armed, and equipped in the same manner as the quota of such State, unless the Legislature of such State shall judge that such extra number can not be safely spared out of the same, in which case they shall raise, officer, clothe, arm, and equip as many of such extra number as they judge can be safely spared, and the officers and men so clothed, armed, and equipped shall march

to the place appointed, and within the time agreed on by the United States, in Congress assembled.

The United States, in Congress assembled, shall never engage in a war, nor grant letters of marque and reprisal in time of peace, nor enter into any treaties or alliances, nor coin money, nor regulate the value thereof, nor ascertain the sums and expenses necessary for the defense and welfare of the United States, or any of them, nor emit bills, nor borrow money on the credit of the United States, nor appropriate money, nor agree upon the number of vessels of war to be built or purchased, or the number of land or sea forces to be raised, nor appoint a commander-in-chief of the army or navy, unless nine States assent to the same, nor shall a question on any other point, except for adjourning from day to day, be determined, unless by the votes of a majority of the United States, in Congress assembled.

The Congress of the United States shall have power to adjourn to any time within the year, and to any place within the United States, so that no period of adjournment be for a longer duration than the space of six months, and shall publish the journal of their proceedings monthly, except such parts thereof relating to treaties, alliances, or military operations as in their judgment require secresy; and the yeas and nays of the delegates of each State, on any question, shall be entered on the journal when it is desired by any delegate; and the delegates of a State, or any of them, at his or their request, shall be furnished with a transcript of the said journal except such parts as are above excepted, to lay before the Legislatures of the several States.

ART. X.—The Committee of the States, or any nine of them, shall be authorized to execute, in the recess of Congress, such of the powers of Congress as the United States, in Congress assembled, by the consent of nine States, shall, from time to time, think expedient to vest them with; provided that no power be delegated to the said Committee, for the exercise of which, by the Articles of Confederation, the voice of nine States in the Congress of the United States assembled is requisite.

ART. XI.—Canada, acceding to this Confederation, and joining in the measures of the United States, shall be admitted into, and entitled to all the advantages of this Union; but no other colony shall be admitted into the same, unless such admission be agreed to by nine States.

ART. XII.—All bills of credit emitted, moneys borrowed, and debts contracted by or under the authority of Congress, before the assembling of the United States, in pursuance of the present Confederation, shall be deemed and considered as a charge against the United States, for payment and satisfaction whereof the said United States and the public faith are hereby solemnly pledged.

ART. XIII.—Every State shall abide by the determinations of the United States, in Congress assembled, on all questions which by this Confederation are submitted to them. And the Articles of this Confederation shall be inviolably observed by every State, and the Union shall be perpetual; nor shall any alteration at any time hereafter be made in any of them, unless such alteration be agreed to in a Congress of the United States, and be afterwards confirmed by the Legislatures of every State.

AND WHEREAS it hath pleased the great Governor of the world to incline the hearts of the Legislatures we respectively represent in Congress to approve of, and to authorize us to ratify, the said Articles of Confederation and perpetual Union, know ye, that we, the undersigned delegates, by virtue of the power and authority to us given for that purpose, do by these presents, in the name and in behalf of our respective constituents, fully and entirely ratify and confirm each and every of the said Articles of Confederation and perpetual Union, and all and singular the matters and things therein contained. And we do further solemnly plight and engage the faith of our respective constituents, that they shall abide by the determinations of the United States, in Congress assembled, on all questions which by the said Confederation are submitted to them; and that the Articles thereof shall be inviolably observed by the States we respectively represent, and that the Union shall be perpetual.

In witness whereof we have hereunto set our hands in Congress. Done at Philadelphia in the State of Pennsylvania the ninth day of July in the year of our Lord one thousand seven hundred and seventy-eight, and in the third year of the independence of America.

*On the part & behalf of the State of New Hampshire.*

JOSIAH BARTLETT, JOHN WENTWORTH, JUNR.
June 8, 1778.

*On the part and behalf of the State of Massachusetts Bay.*

JOHN HANCOCK, FRANCIS DANA,
SAMUEL ADAMS, JAMES LOVELL,
ELBRIDGE GERRY, SAMUEL HOLTEN.

*On the part and behalf of the State of Rhode Island and Providence Plantations.*

WILLIAM ELLERY, JOHN COLLINS.
HENRY MARCHANT,

*On the part and behalf of the State of Connecticut.*

ROGER SHERMAN, TITUS HOSMER,
SAMUEL HUNTINGTON, ANDREW ADAMS.
OLIVER WOLCOTT,

*On the part and behalf of the State of New York.*

JAS. DUANE, WM. DUER,
FRA. LEWIS, GOUV. MORRIS.

*On the part and in behalf of the State of New Jersey, Novr. 26, 1778.*

JNO. WITHERSPOON, NATHL. SCUDDER.

*On the part and behalf of the State of Pennsylvania.*

ROBT. MORRIS, WILLIAM CLINGAN,
DANIEL ROBERDEAU, JOSEPH REED,
JONA. BAYARD SMITH, 22d July, 1778.

*On the part & behalf of the State of Delaware.*

THO. M'KEAN,
Feby. 12, 1779.

JOHN DICKINSON,
May 5th, 1779,
NICHOLAS VAN DYKE.

*On the part and behalf of the State of Maryland.*

JOHN HANSON,
March 1, 1781.

DANIEL CARROLL,
Mar. 1, 1781.

*On the part and behalf of the State of Virginia.*

RICHARD HENRY LEE,
JOHN BANISTER,
THOMAS ADAMS,

JNO. HARVIE,
FRANCIS LIGHTFOOT LEE.

*On the part and behalf of the State of No. Carolina.*

JOHN PENN,
July 21st 1778,
CORNS. HARNETT,

JNO. WILLIAMS.

*On the part & behalf of the State of South Carolina.*

HENRY LAURENS,
WM. HENRY DRAYTON,
JNO. MATHEWS,

RICHD. HUTSON,
THOS. HAYWARD, JUNR.

*On the part & behalf of the State of Georgia.*

JNO. WALTON,
24th July, 1778,
EDWD. TELFAIR,

EDWD. LANGWORTHY.

# Constitution of the United States

WE, the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

## ARTICLE I

SECTION 1. All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and a House of Representatives.

SEC. 2. The House of Representatives shall be composed of members chosen every second year by the people of the several States, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature.

No person shall be a Representative who shall not have attained the age of twenty-five years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State in which he shall be chosen.

[Representatives and direct taxes shall be apportioned among the several States which may be included within this Union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and exclud-

ing Indians not taxed, three-fifths of all other persons.]* The actual enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct. The number of Representatives shall not exceed one for every thirty thousand, but each State shall have at least one Representative; and until such enumeration shall be made, the State of New Hampshire shall be entitled to choose three, Massachusetts eight, Rhode Island and Providence Plantations one, Connecticut five, New York six, New Jersey four, Pennsylvania eight, Delaware one, Maryland six, Virginia ten, North Carolina five, South Carolina five, and Georgia three.

When vacancies happen in the representation from any State, the executive authority thereof shall issue writs of election to fill such vacancies.

The House of Representatives shall choose their speaker and other officers; and shall have the sole power of impeachment.

SEC. 3. The Senate of the United States shall be composed of two Senators from each State, chosen by the legislature thereof, for six years; and each Senator shall have one vote.

Immediately after they shall be assembled in consequence of the first election, they shall be divided as equally as may be into three classes. The seats of the Senators of the first class shall be vacated at the expiration of the second year, of the second class at the expiration of the fourth year, and of the third class at the expiration of the sixth year, so that one-third may be chosen every second year; and if vacancies happen by resignation, or otherwise, during the recess of the legislature of any State, the executive thereof may make temporary appointments until the next meeting of the legislature, which shall then fill such vacancies.

No person shall be a Senator who shall not have attained to the age of thirty years, and been nine years a citizen of the

*The clause included in brackets is amended by the XIVth Amendment, 2d section.

United States, and who shall not, when elected, be an inhabitant of that State for which he shall be chosen.

The Vice-President of the United States shall be President of the Senate, but shall have no vote unless they be equally divided.

The Senate shall choose their other officers, and also a President *pro tempore*, in the absence of the Vice-President, or when he shall exercise the office of President of the United States.

The Senate shall have sole power to try all impeachments. When sitting for that purpose, they shall be on oath or affirmation. When the President of the United States is tried, the Chief Justice shall preside; and no person shall be convicted without the concurrence of two-thirds of the members present.

Judgment in cases of impeachment shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honour, trust, or profit under the United States; but the party convicted shall nevertheless be liable and subject to indictment, trial, judgment, and punishment, according to law.

SEC. 4. The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators.

The Congress shall assemble at least once in every year, and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day.

SEC. 5. Each house shall be the judge of the elections, returns, and qualifications of its own members, and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members, in such manner, and under such penalties as each house may provide.

Each house may determine the rules of its proceedings, punish its members for disorderly behaviour, and, with the concurrence of two-thirds, expel a member.

Each house shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may in their judgment require secrecy; and the yeas and nays of the members of either house on any question shall, at the desire of one-fifth of those present, be entered on the journal.

Neither house, during the session of Congress, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two houses shall be sitting.

SEC. 6. The Senators and Representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the Treasury of the United States. They shall in all cases, except treason, felony, and breach of the peace, be privileged from arrest during their attendance at the session of their respective houses, and in going to and returning from the same; and for any speech or debate in either house they shall not be questioned in any other place.

No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased during such time; and no person holding any office under the United States shall be a member of either house during his continuance in office.

SEC. 7. All bills for raising revenues shall originate in the House of Representatives; but the Senate may propose or concur with amendments as on other bills.

Every bill which shall have passed the House of Representatives and the Senate shall, before it becomes a law, be presented to the President of the United States; if he approve he shall sign it, but if not he shall return it, with his objections, to that house in which it shall have originated, who shall enter the objections at large on their journal, and proceed to reconsider it. If after such reconsideration two-thirds of that house shall agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered, and if approved by two-thirds of that house, it shall become a law. But in all cases the votes of both houses

shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the journal of each house respectively. If any bill shall not be returned by the President within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the Congress by their adjournment prevent its return, in which case it shall not be a law.

Every order, resolution, or vote to which the concurrence of the Senate and the House of Representatives may be necessary (except on a question of adjournment) shall be presented to the President of the United States; and before the same shall take effect shall be approved by him, or being disapproved by him, shall be repassed by two-thirds of the Senate and House of Representatives, according to the rules and limitations prescribed in the case of a bill.

SEC. 8. The Congress shall have power to lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defence and general welfare of the United States; but all duties, imposts, and excises shall be uniform throughout the United States;

To borrow money on the credit of the United States;

To regulate commerce with foreign nations, and among the several States, and with the Indian tribes;

To establish an uniform rule of naturalization, and uniform laws on the subject of bankruptcies throughout the United States;

To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures;

To provide for the punishment of counterfeiting the securities and current coin of the United States;

To establish post-offices and post-roads.

To promote the progress of science and useful arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries;

To constitute tribunals inferior to the Supreme Court;

To define and punish piracies and felonies committed on the high seas, and offences againt the law of nations.

To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water;

To raise and support armies, but no appropriation of money to that use shall be for a longer term than two years;

To provide and maintain a navy;

To make rules for the government and regulation of the land and naval forces;

To provide for the calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions;

To provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the States respectively the appointment of the officers and the authority of training the militia according to the discipline prescribed by Congress;

To exercise exclusive legislation in all cases whatsoever, over such district (not exceeding ten miles square) as may, by cession of particular States, and the acceptance of Congress, become the seat of the Government of the United States, and to exercise like authority over all places purchased by the consent of the legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dockyards, and other needful buildings; and

To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or in any department or officer thereof.

SEC. 9. The migration or importation of such persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the year one thousand eight hundred and eight, but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person.

The privilege of the writ of habeas corpus shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it.

No bill of attainder or *ex post facto* law shall be passed.

No capitation, or other direct tax, shall be laid, unless in

proportion to the census or enumeration hereinbefore directed to be taken.

No tax or duty shall be laid on articles exported from any State. No preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another; nor shall vessels bound to, or from, one State be obliged to enter, clear, or pay duties in another.

No money shall be drawn from the Treasury, but in consequence of appropriations made by law; and a regular statement and account of the receipts and the expenditures of all public money shall be published from time to time.

No title of nobility shall be granted by the United States; and no person holding any office of profit or trust under them shall, without the consent of the Congress, accept of any present, emolument, office, or title, of any kind whatever, from any king, prince, or foreign state.

SEC. 10. No State shall enter into any treaty, alliance, or confederation; grant letters of marque or reprisal; coin money; emit bills of credit; make any thing but gold and silver coin a tender in payment of debts; pass any bill of attainder, *ex post facto* law, or law impairing the obligation of contracts, or grant any title of nobility.

No State shall, without the consent of the Congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws; and the net produce of all duties and imposts, laid by any State on imports or exports, shall be for the use of the Treasury of the United States; and all such laws shall be subject to the revision and control of the Congress.

No State shall, without the consent of the Congress, lay any duty of tonnage, keep troops or ships of war in time of peace, enter into any agreement or compact with another State, or with a foreign power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay.

## ARTICLE II

SECTION 1. The executive power shall be vested in a President of the United States of America. He shall hold his office during the term of four years, and, together with the Vice-President, chosen for the same term, be elected as follows:

Each State shall appoint, in such manner as the legislature thereof may direct, a number of directors, equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress; but no Senator or Representative, or person holding an office of trust or profit under the United States, shall be appointed an elector.

[The electors shall meet in their respective States, and vote by ballot for two persons, of whom one at least shall not be an inhabitant of the same State with themselves. And they shall make a list of all the persons voted for, and of the number of votes for each; which list they shall sign and certify, and transmit sealed to the seat of the Government of the United States, directed to the President of the Senate. The President of the Senate shall, in the presence of the Senate and the House of Representatives, open all the certificates, and the votes shall then be counted. The person having the greatest number of votes shall be the President, if such number be a majority of the whole number of electors appointed; and if there be more than one who have such majority and have an equal number of votes, then the House of Representatives shall immediately choose by ballot one of them for President; and if no person have a majority, then from the five highest on the list the said House shall in like manner choose the President. But in choosing the President, the votes shall be taken by States, the representation from each State having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the States, and a majority of all the States shall be necessary to a choice. In every case, after the choice of the President, the person having the greatest number of votes of

the electors shall be the Vice-President; but if there should remain two or more who have equal votes, the Senate shall choose from them, by ballot, the Vice-President.*]

The Congress may determine the time of choosing the electors, and the day on which they shall give their votes; which day shall be the same throughout the United States.

No person except a natural-born citizen, or a citizen of the United States at the time of the adoption of this Constitution, shall be eligible to the office of President; neither shall any person be eligible to that office who shall not have attained the age of thirty-five years, and been fourteen years a resident within the United States.

In case of the removal of the President from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the Vice-President, and the Congress may by law provide for the case of removal, death, resignation, or inability, both of the President or Vice-President, declaring what officer shall then act as President, and such officer shall act accordingly until the disability be removed, or a President shall be elected.

The President shall, at stated times, receive for his services a compensation, which shall neither be increased nor diminished during the period for which he shall have been elected, and he shall not receive within that period any other emolument from the United States, or any of them.

Before he enter on the execution of his office, he shall take the following oath or affirmation:

"I do solemnly swear (or affirm) that I will faithfully execute the office of President of the United States, and will, to the best of my ability, preserve, protect, and defend the Constitution of the United States."

SEC. 2. The President shall be commander-in-chief of the army and navy of the United States, and of the militia of the several States, when called into the actual service of the United States; he may require the opinion, in writing, of the principal officer in each of the executive departments, upon any subject relating to the duties of their respective offices, and he shall

* This clause in brackets has been superseded by the XIIth Amendment.

have power to grant reprieves and pardons for offences against the United States, except in cases of impeachment.

He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur; and he shall nominate, and by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law; but the Congress may by law vest the appointment of such inferior officers, as they think proper, in the President alone, in the courts of laws, or in the heads of departments.

The President shall have power to fill up all vacancies that may happen during the recess of the Senate, by granting commissions which shall expire at the end of their next session.

SEC. 3. He shall from time to time give to the Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient; he may, on extraordinary occasions, convene both houses, or either of them, and in case of disagreement between them, with respect to the time of adjournment, he may adjourn them to such time as he shall think proper; he shall receive ambassadors and other public ministers; he shall take care that the laws be faithfully executed, and shall commission all the officers of the United States.

SEC. 4. The President, Vice-President, and all civil officers of the United States, shall be removed from office on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanours.

## ARTICLE III

SECTION 1. The judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish. The judges, both of the Supreme and inferior courts, shall hold their offices during good behaviour, and shall, at stated

times, receive for their services a compensation, which shall not be diminished during their continuance in office.

SEC. 2. The judicial power shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority, to all cases affecting ambassadors, other public ministers, and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the United States shall be a party; to controversies between two or more States; between a State and citizens of another State; between citizens of different States; between citizens of the same State claiming lands under grants of different States, and between a State, or the citizens thereof, and foreign states, citizens, or subjects.

In all cases affecting ambassadors, other public ministers and consuls, and those in which a State shall be a party, the Supreme Court shall have original jurisdiction. In all the other cases before mentioned, the Supreme Courts shall have appellate jurisdiction, both as to law and fact, with such exception, and under such regulations as the Congress shall make.

The trial of all crimes, except in cases of impeachment, shall be by jury; and such trial shall be held in the State where the said crimes shall have been committed; but when not committed within any State, the trial shall be at such place or places as the Congress may by law have directed.

SEC. 3. Treason against the United States shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

The Congress shall have power to declare the punishment of treason, but no attainder of treason shall work corruption of blood, or forfeiture except during the life of the person attainted.

## ARTICLE IV

SECTION 1. Full faith and credit shall be given in each State to the public acts, records, and judicial proceedings of every other State. And the Congress may by general laws

prescribe the manner in which such acts, records, and proceedings shall be proved, and the effect thereof.

SEC. 2. The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States.

A person charged in any State with treason, felony, or other crime, who shall flee from justice and be found in another State, shall, on demand of the executive authority of the State from which he fled, be delivered up, to be removed to the State having jurisdiction of the crime.

No person held to service or labour in any State, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labour, but shall be delivered up on claim of the party to whom such service or labour may be due.

SEC. 3. New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the jurisdiction of any other State; nor any State be formed by the junction of two or more States, or parts of States, without the consent of the legislatures of the States concerned as well as of the Congress.

The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States; and nothing in this Constitution shall be so construed as to prejudice any claims of the United States, or of any particular State.

SEC. 4. The United States shall guarantee to every State in this Union a republican form of government, and shall protect each of them against invasion; and on application of the legislature, or of the executive (when the legislature cannot be convened), against domestic violence.

## ARTICLE V

The Congress, whenever two-thirds of both houses shall deem it necessary, shall propose amendments to this Constitution, or on the application of the legislatures of two-thirds of the several States, shall call a convention for proposing amendments, which, in either case, shall be valid, to all intents and purposes, as part of this Constitution, when ratified by the leg-

islatures of three-fourths of the several States, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress; provided that no amendments which may be made prior to the year one thousand eight hundred and eight shall in any manner affect the first and fourth clauses in the ninth section of the first article; and that no State, without its consent, shall be deprived of its equal suffrage in the Senate.

## ARTICLE VI

All debts contracted and engagements entered into, before the adoption of this Constitution, shall be as valid against the United States under this Constitution as under the Confederation.

This Constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every State shall be bound thereby, any thing in the constitution or laws of any State to the contrary notwithstanding.

The Senators and Representatives before mentioned, and the members of the several State legislatures, and all executive and judicial officers, both of the United States and of the several States, shall be bound by oath or affirmation to support this Constitution; but no religious test shall ever be required as a qualification to any office or public trust under the United States.

## ARTICLE VII

The ratification of the conventions of nine States shall be sufficient for the establishment of this Constitution between the States so ratifying the same.

Done in Convention by the unanimous consent of the States present,* the Seventeenth day of September, in the year of

*Rhode Island was not represented. Several of the delegates had left the Convention before it concluded its labours, and some others who remained refused to sign. In all, 65 delegates had been appointed, 55 attended, 49 signed.

The first ratification was that of Delaware, Dec. 7, 1787; the ninth (bringing the Constitution into force) that of New Hampshire, June 21, 1788; the last, that of Rhode Island, May 29, 1790.

our Lord 1787, and of the Independence of the United States of America the Twelfth.

IN WITNESS whereof we have hereunto subscribed our names.

GO. WASHINGTON,
*Presidt. and Deputy from Virginia.*

*New Hampshire*—John Langdon, Nicholas Gilman.

*Massachusetts*—Nathaniel Gorham, Rufus King.

*Connecticut*—Wm. Saml. Johnson, Roger Sherman.

*New York*—Alexander Hamilton.

*New Jersey*—Wil. Livingston, Wm. Patterson, David Brearley, Jona. Dayton.

*Pennsylvania*—B. Franklin, Thos. Fitzsimons, Thomas Mifflin, Jared Ingersoll, Robt. Morris, James Wilson, Geo. Clymer, Gouv. Morris.

*Delaware*—Geo. Read, Richard Bassett, Gunning Bedford, Jun., Jaco. Brown, John Dickinson.

*Maryland*—James M'Henry, Dan. Carroll, Dan. Jenifer, of St. Thomas.

*Virginia*—John Blair, James Madison, Jun.

*North Carolina*—Wm. Blount, Hugh Williamson, Rich'd. Dobbs Speight.

*South Carolina*—J. Rutledge, Charles Pinckney, Charles Cotesworth Pinckney, Pierce Butler.

*Georgia*—William Few, Abr. Baldwin.

*Attest:* WILLIAM JACKSON, *Secretary.*

*Articles in addition to, and amendment of, the Constitution of the United States of America, proposed by Congress, and ratified by the Legislatures of the several States, pursuant to the fifth Article of the original Constitution.*

## ARTICLE I*

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging

*Amendments I X inclusive were proposed by Congress to the Legislatures of the States, Sept. 25, 1789, and ratified 1789-91.

the freedom of speech or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

## ARTICLE II

A well-regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed.

## ARTICLE III

No soldier shall, in time of peace, be quartered in any house, without the consent of the owner, nor in the time of war, but in a manner to be prescribed by law.

## ARTICLE IV

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the person or things to be seized.

## ARTICLE V

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

## ARTICLE VI

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed,

which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favour, and to have the assistance of counsel for his defence.

## ARTICLE VII

In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise re-examined in any court of the United States than according to the rules of the common law.

## ARTICLE VIII

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

## ARTICLE IX

The enumeration of the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

## ARTICLE X

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

## ARTICLE XI*

The judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by citizens of another State, or by citizens or subjects of any foreign State.

*Amendt. XI was proposed by Congress Sept. 5, 1794, and declared to have been ratified by the legislatures of the three-fourths of the States, Jan. 8, 1798.

## ARTICLE XII*

The electors shall meet in their respective States, and vote by ballot for President and Vice-President, one of whom at least shall not be an inhabitant of the same State with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice-President, and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice-President, and of the number of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of the Government of the United States, directed to the President of the Senate; —The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted;—The person having the greatest number of votes for President shall be the President, if such number be a majority of the whole number of electors appointed; and if no person have such majority, then from the persons having the highest numbers not exceeding three on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President, the votes shall be taken by States, the representation from each State having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the States, and a majority of all the States shall be necessary to a choice. And if the House of Representatives shall not choose a President whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice-President shall act as President, as in the case of the death or other constitutional disability of the President.

The person having the greatest number of votes as Vice-President shall be the Vice-President, if such number be a majority of the whole number of electors appointed, and if no person have a majority, then from the two highest numbers on the

*Amendt. XII was proposed by Congress, Dec. 12, 1803, and declared to have been ratified Sept. 25, 1804.

list the Senate shall choose the Vice-President; a quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice-President of the United States.

## ARTICLE XIII*

SECTION 1. Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

SEC. 2. Congress shall have power to enforce this article by appropriate legislation.

## ARTICLE XIV†

SECTION 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

SEC. 2. Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice-President of the United States, Representatives in Congress, the executive and judicial officers of the State, or the members of the legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or

*Amendt. XIII was proposed by Congress, Feb. 1, 1865, and declared to have been ratified by 27 of the 36 States, Dec. 18, 1865.

†Amendt. XIV was proposed by Congress June 16, 1866, and declared to have been ratified by 30 of the 36 States, July 28, 1868.

other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

SEC. 3. No person shall be a Senator or Representative in Congress, or elector of President and Vice-President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath, as a member of the Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may, by a vote of two-thirds of each House, remove such disability.

SEC. 4. The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States or any claim for the loss or emancipation of any slave; but all such debts, obligations, and claims shall be held illegal and void.

SEC. 5. The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

## ARTICLE XV*

SECTION 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or any State on account of race, colour, or previous condition of servitude.

SEC. 2. The Congress shall have power to enforce this article by appropriate legislation.

*Amendt. XV was proposed by Congress Feb. 26, 1869, and declared to have been ratified by 29 of the 37 States, March 30, 1870.

# Farewell Address

By GEORGE WASHINGTON

(Issued September 17, 1796)

*Friends and Fellow-Citizens :—*

THE period for a new election of a citizen to administer the executive government of the United States being not far distant, and the time actually arrived when your thoughts must be employed in designating the person who is to be clothed with that important trust, it appears to me proper, especially as it may conduce to a more distinct expression of the public voice, that I should now apprise you of the resolution I have formed, to decline being considered among the number of those out of whom a choice is to be made.

I beg you, at the same time, to do me the justice to be assured that this resolution has not been taken without a strict regard to all the considerations appertaining to the relation which binds a dutiful citizen to his country; and that in withdrawing the tender of service, which silence in my situation might imply, I am influenced by no diminution of zeal for your future interest, no deficiency of grateful respect for your past kindness, but am supported by a full conviction that the step is compatible with both.

The acceptance of, and continuance hitherto in, the office to which your suffrages have twice called me, have been a uniform sacrifice of inclination to the opinion of duty and to a deference for what appeared to be your desire. I constantly hoped that it would have been much earlier in my power, con-

sistently with motives which I was not at liberty to disregard, to return to that retirement from which I had been reluctantly drawn. The strength of my inclination to do this, previous to the last election, had even led to the preparation of an address to declare it to you; but mature reflection on the then perplexed and critical posture of our affairs with foreign nations, and the unanimous advice of persons entitled to my confidence, impelled me to abandon the idea.

I rejoice that the state of your concerns, external as well as internal, no longer renders the pursuit of inclination incompatible with the sentiment of duty or propriety, and am persuaded, whatever partiality may be retained for my services, that, in the present circumstances of our country, you will not disapprove my determination to retire.

The impressions with which I first undertook the arduous trust were explained on the proper occasion. In the discharge of this trust, I will only say that I have, with good intentions, contributed towards the organization and administration of the government the best exertions of which a very fallible judgment was capable. Not unconscious in the outset of the inferiority of my qualifications, experience in my own eyes, perhaps still more in the eyes of others, has strengthened the motives to diffidence of myself; and every day the increasing weight of years admonishes me more and more that the shade of retirement is as necessary to me as it will be welcome. Satisfied that if any circumstances have given peculiar value to my services, they were temporary, I have the consolation to believe that, while choice and prudence invite me to quit the political scene, patriotism does not forbid it.

In looking forward to the moment which is intended to terminate the career of my public life, my feelings do not permit me to suspend the deep acknowledgment of that debt of gratitude which I owe to my beloved country for the many honors it has conferred upon me; still more for the steadfast confidence with which it has supported me; and for the opportunities I have thence enjoyed of manifesting my inviolable attachment, by services faithful and persevering, though in usefulness unequal to my zeal. If benefits have resulted to our country

WASHINGTON AT YORKTOWN

from these services, let it always be remembered to your praise, and as an instructive example in our annals, that under circumstances in which the passions, agitated in every direction, were liable to mislead, amidst appearances sometimes dubious, vicissitudes of fortune often discouraging, in situations in which not unfrequently want of success has countenanced the spirit of criticism, the constancy of your support was the essential prop of the efforts, and a guaranty of the plans by which they were effected. Profoundly penetrated with this idea, I shall carry it with me to my grave, as a strong incitement to unceasing vows that heaven may continue to you the choicest tokens of its beneficence; that your union and brotherly affection may be perpetual; that the free Constitution, which is the work of your hands, may be sacredly maintained; that its administration in every department may be stamped with wisdom and virtue; that, in fine, the happiness of the people of these states, under the auspices of liberty, may be made complete by so careful a preservation and so prudent a use of this blessing as will acquire to them the glory of recommending it to the applause, the affection, and adoption of every nation which is yet a stranger to it.

Here, perhaps, I ought to stop. But a solicitude for your welfare, which cannot end but with my life, and the apprehension of danger, natural to that solicitude, urge me, on an occasion like the present, to offer to your solemn contemplation, and to recommend to your frequent review, some sentiments which are the result of much reflection, of no inconsiderable observation, and which appear to me all-important to the permanency of your felicity as a people. These will be offered to you with the more freedom, as you can only see in them the disinterested warnings of a parting friend, who can possibly have no personal motive to bias his counsel. Nor can I forget, as an encouragement to it, your indulgent reception of my sentiments on a former and not dissimilar occasion.

Interwoven as is the love of liberty with every ligament of your hearts, no recommendation of mine is necessary to fortify or confirm the attachment.

The unity of government which constitutes you one people

is also now dear to you. It is justly so, for it is a main pillar in the edifice of your real independence, the support of your tranquillity at home, your peace abroad; of your safety; of your prosperity; of that very liberty which you so highly prize. But as it is easy to foresee that, from different causes and from different quarters, much pains will be taken, many artifices employed to weaken in your minds the conviction of this truth; as this is the point in your political fortress against which the batteries of internal and external enemies will be most constantly and actively (though often covertly and insidiously) directed, it is of infinite moment that you should properly estimate the immense value of your national union to your collective and individual happiness; that you should cherish a cordial, habitual, and immovable attachment to it; accustoming yourselves to think and speak of it as of the palladium of your political safety and prosperity; watching for its preservation with jealous anxiety; discountenancing whatever may suggest even a suspicion that it can in any event be abandoned; and indignantly frowning upon the first dawning of every attempt to alienate any portion of our country from the rest, or to enfeeble the sacred ties which now link together the various parts.

For this you have every inducement of sympathy and interest. Citizens, by birth or choice, of a common country, that country has a right to concentrate your affections. The name of American, which belongs to you in your national capacity, must always exalt the just pride of patriotism more than any appellation derived from local discriminations. With slight shades of difference, you have the same religion, manners, habits, and political principles. You have in a common cause fought and triumphed together; the independence and liberty you possess are the work of joint counsels, and joint efforts of common dangers, sufferings, and successes.

But these considerations, however powerfully they address themselves to your sensibility, are greatly outweighed by those which apply more immediately to your interest. Here every portion of our country finds the most commanding motives for carefully guarding and preserving the union of the whole.

The North, in an unrestrained intercourse with the South, protected by the equal laws of a common government, finds in the productions of the latter great additional resources of maritime and commercial enterprise and precious materials of manufacturing industry. The South, in the same intercourse, benefiting by the agency of the North, sees its agriculture grow and its commerce expand. Turning partly into its own channels the seamen of the North, it finds its particular navigation invigorated; and, while it contributes, in different ways, to nourish and increase the general mass of the national navigation, it looks forward to the protection of a maritime strength, to which itself is unequally adapted. The East, in a like intercourse with the West, already finds, and in the progressive improvement of interior communications by land and water, will more and more find a valuable vent for the commodities which it brings from abroad, or manufactures at home. The West derives from the East supplies requisite to its growth and comfort, and, what is perhaps of still greater consequence, it must of necessity owe the secure enjoyment of indispensable outlets for its own productions to the weight, influence, and the future maritime strength of the Atlantic side of the Union, directed by an indissoluble community of interest as one nation. Any other tenure by which the West can hold this essential advantage, whether derived from its own separate strength, or from an apostate and unnatural connection with any foreign power, must be intrinsically precarious.

While, then, every part of our country thus feels an immediate and particular interest in union, all the parts combined cannot fail to find in the united mass of means and efforts greater strength, greater resource, proportionably greater security from external danger, a less frequent interruption of their peace by foreign nations; and, what is of inestimable value, they must derive from union an exemption from those broils and wars between themselves, which so frequently afflict neighboring countries not tied together by the same governments, which their own rivalships alone would be sufficient to produce, but which opposite foreign alliances, attachments, and intrigues would stimulate and embitter. Hence, likewise, they will avoid

the necessity of those overgrown military establishments which, under any form of government, are inauspicious to liberty, and which are to be regarded as particularly hostile to republican liberty. In this sense it is that your union ought to be considered as a main prop of your liberty, and that the love of the one ought to endear to you the preservation of the other.

These considerations speak a persuasive language to every reflecting and virtuous mind, and exhibit the continuance of the Union as a primary object of patriotic desire. Is there a doubt whether a common government can embrace so large a sphere? Let experience solve it. To listen to mere speculation in such a case were criminal. We are authorized to hope that a proper organization of the whole with the auxiliary agency of governments for the respective subdivisions, will afford a happy issue to the experiment. It is well worth a fair and full experiment. With such powerful and obvious motives to union, affecting all parts of our country, while experience shall not have demonstrated its impracticability, there will always be reason to distrust the patriotism of those who in any quarter may endeavor to weaken its bands.

In contemplating the causes which may disturb our Union, it occurs as matter of serious concern that any ground should have been furnished for characterizing parties by geographical discriminations, Northern and Southern, Atlantic and Western; whence designing men may endeavor to excite a belief that there is a real difference of local interests and views. One of the expedients of party to acquire influence within particular districts is to misrepresent the opinions and aims of other districts. You cannot shield yourselves too much against the jealousies and heart-burnings which spring from these misrepresentations; they tend to render alien to each other those who ought to be bound together by fraternal affection. The inhabitants of our Western country have lately had a useful lesson on this head; they have seen, in the negotiation by the Executive, and in the unanimous ratification by the Senate, of the treaty with Spain, and in the universal satisfaction at that event, throughout the United States, a decisive proof how unfounded were the suspicions propagated among them of a policy

in the general government and in the Atlantic States unfriendly to their interests in regard to the Mississippi; they have been witnesses to the formation of two treaties, that with Great Britain and that with Spain, which secure to them everything they could desire, in respect to our foreign relations, towards confirming their prosperity. Will it not be their wisdom to rely for the preservation of these advantages on the Union by which they were procured? Will they not henceforth be deaf to those advisers, if such there are, who would sever them from their brethren and connect them with aliens?

To the efficacy and permanency of your Union, a government for the whole is indispensable. No alliance, however strict, between the parts can be an adequate substitute; they must inevitably experience the infractions and interruptions which all alliances in all times have experienced. Sensible of this momentous truth, you have improved upon your first essay, by the adoption of a constitution of government better calculated than your former for an intimate union, and for the efficacious management of your common concerns. This government, the offspring of our own choice, uninfluenced and unawed, adopted upon full investigation and mature deliberation, completely free in its principles, in the distribution of its powers, uniting security with energy and containing within itself a provision for its own amendment, has a just claim to your confidence and your support. Respect for its authority, compliance with its laws, acquiescence in its measures, are duties en joined by the fundamental maxims of true liberty. The basis of our political systems is the right of the people to make and to alter their constitutions of government. But the constitution which at any time exists, till changed by an explicit and authentic act of the whole people, is sacredly obligatory upon all. The very idea of the power and the right of the people to establish government presupposes the duty of every individual to obey the established government.

All obstructions to the execution of the laws, all combinations and associations, under whatever plausible character, with the real design to direct, control, counteract, or awe the regular deliberation and action of the constituted authorities,

are destructive of this fundamental principle, and of fatal tendency. They serve to organize faction, to give it an artificial and extraordinary force; to put, in the place of the delegated will of the nation the will of a party, often a small but artful and enterprising minority of the community; and, according to the alternate triumphs of different parties, to make the public administration the mirror of the ill-concerted and incongruous projects of faction, rather than the organ of consistent and wholesome plans digested by common counsels and modified by mutual interests.

However combinations or associations of the above description may now and then answer popular ends, they are likely, in the course of time and things, to become potent engines, by which cunning, ambitious, and unprincipled men will be enabled to subvert the power of the people and to usurp for themselves the reins of government, destroying afterwards the very engines which have lifted them to unjust dominion.

Towards the preservation of your government, and the permanency of your present happy state, it is requisite, not only that you steadily discountenance irregular oppositions to its acknowledged authority, but also that you resist with care the spirit of innovation upon its principles, however specious the pretexts. One method of assault may be to effect, in the forms of the Constitution, alterations which will impair the energy of the system, and thus to undermine what cannot be directly overthrown. In all the changes to which you may be invited, remember that time and habit are at least as necessary to fix the true character of governments as of other human institutions; that experience is the surest standard by which to test the real tendency of the existing constitution of a country; that facility in changes, upon the credit of mere hypothesis and opinion, exposes to perpetual change, from the endless variety of hypothesis and opinion; and remember, especially, that for the efficient management of your common interests, in a country so extensive as ours, a government of as much vigor as is consistent with the perfect security of liberty is indispensable. Liberty itself will find in such a government, with powers properly distributed and adjusted, its surest guardian. It is,

indeed, little else than a name, where the government is too feeble to withstand the enterprises of faction, to confine each member of the society within the limits prescribed by the laws, and to maintain all in the secure and tranquil enjoyment of the rights of person and property.

I have already intimated to you the danger of parties in the state, with particular reference to the founding of them on geographical discriminations. Let me now take a more comprehensive view, and warn you in the most solemn manner against the baneful effects of the spirit of party generally.

This spirit, unfortunately, is inseparable from our nature, having its root in the strongest passions of the human mind. It exists under different shapes in all governments, more or less stifled, controlled, or repressed; but, in those of the popular form, it is seen in its greatest rankness, and is truly their worst enemy.

The alternate domination of one faction over another, sharpened by the spirit of revenge, natural to party dissension, which in different ages and countries has perpetrated the most horrid enormities, is itself a frightful despotism. But this leads at length to a more formal and permanent despotism. The disorders and miseries which result gradually incline the minds of men to seek security and repose in the absolute power of an individual; and sooner or later the chief of some prevailing faction, more able or more fortunate than his competitors, turns this disposition to the purposes of his own elevation, on the ruins of public liberty.

Without looking forward to an extremity of this kind (which nevertheless ought not to be entirely out of sight), the common and continual mischiefs of the spirit of party are sufficient to make it the interest and duty of a wise people to discourage and restrain it.

It serves always to distract the public councils and enfeeble the public administration. It agitates the community with ill-founded jealousies and false alarms, kindles the animosity of one part against another, foments occasionally riot and insurrection. It opens the door to foreign influence and corruption, which finds a facilitated access to the government itself through

the channels of party passions. Thus the policy and the will of one country are subjected to the policy and will of another.

There is an opinion that parties in free countries are useful checks upon the administration of the government and serve to keep alive the spirit of liberty. This within certain limits is probably true; and in governments of a monarchical cast, patriotism may look with indulgence, if not with favor, upon the spirit of party. But in those of the popular character, in governments purely elective, it is a spirit not to be encouraged. From their natural tendency, it is certain there will always be enough of that spirit for every salutary purpose. And there being constant danger of excess, the effort ought to be by force of public opinion to mitigate and assuage it. A fire not to be quenched, it demands a uniform vigilance to prevent its bursting into a flame, lest, instead of warming, it should consume.

It is important, likewise, that the habits of thinking in a free country should inspire caution in those intrusted with its administration, to confine themselves within their respective constitutional spheres, avoiding in the exercise of the powers of one department to encroach upon another. The spirit of encroachment tends to consolidate the powers of all the departments in one, and thus to create, whatever the form of government, a real despotism. A just estimate of that love of power, and proneness to abuse it, which predominates in the human heart, is sufficient to satisfy us of the truth of this position. The necessity of reciprocal checks in the exercise of political power, by dividing and distributing it into different depositaries, and constituting each the guardian of the public weal against invasions by the others, has been evinced by experiments ancient and modern; some of them in our country and under our own eyes. To preserve them must be as necessary as to institute them. If, in the opinion of the people, the distribution or modification of the constitutional powers be in any particular wrong, let it be corrected by an amendment in the way which the Constitution designates. But let there be no change by usurpation; for though this, in one instance, may be the instrument of good, it is the customary weapon by which free gov-

ernments are destroyed. The precedent must always greatly overbalance in permanent evil any partial or transient benefit which the use can at any time yield.

Of all the dispositions and habits which lead to political prosperity, religion and morality are indispensable supports. In vain would that man claim the tribute of patriotism who should labor to subvert these great pillars of human happiness, these firmest props of the duties of men and citizens. The mere politician, equally with the pious man, ought to respect and to cherish them. A volume could not trace all their connections with private and public felicity. Let it simply be asked: Where is the security for property, for reputation, for life, if the sense of religious obligation desert the oaths which are the instruments of investigation in courts of justice? And let us with caution indulge the supposition that morality can be maintained without religion. Whatever may be conceded to the influence of refined education on minds of peculiar structure, reason and experience both forbid us to expect that national morality can prevail in exclusion of religious principle.

It is substantially true that virtue or morality is a necessary spring of popular government. The rule, indeed, extends with more or less force to every species of free government. Who that is a sincere friend to it can look with indifference upon attempts to shake the foundation of the fabric?

Promote then, as an object of primary importance, institutions for the general diffusion of knowledge. In proportion as the structure of a government gives force to public opinion, it is essential that public opinion should be enlightened.

As a very important source of strength and security, cherish public credit. One method of preserving it is to use it as sparingly as possible, avoiding occasions of expense by cultivating peace, but remembering also that timely disbursements to prepare for danger frequently prevent much greater disbursements to repel it, avoiding likewise the accumulation of debt, not only by shunning occasions of expense, but by vigorous exertion in time of peace to discharge the debts which unavoidable wars may have occasioned, not ungenerously throwing upon posterity the burden which we ourselves ought to bear.

The execution of these maxims belongs to your representatives, but it is necessary that public opinion should coöperate. To facilitate to them the performance of their duty, it is essential that you should practically bear in mind that towards the payment of debts there must be revenue; that to have revenue there must be taxes; that no taxes can be devised which are not more or less inconvenient and unpleasant; that the intrinsic embarrassment, inseparable from the selection of the proper objects (which is always a choice of difficulties), ought to be a decisive motive for a candid construction of the conduct of the government in making it, and for a spirit of acquiescence in the measures for obtaining revenue, which the public exigencies may at any time dictate.

Observe good faith and justice towards all nations; cultivate peace and harmony with all. Religion and morality enjoin this conduct; and can it be that good policy does not equally enjoin it? It will be worthy of a free, enlightened, and, at no distant period, a great nation, to give to mankind the magnanimous and too novel example of a people always guided by an exalted justice and benevolence. Who can doubt that, in the course of time and things, the fruits of such a plan would richly repay any temporary advantages which might be lost by a steady adherence to it? Can it be that Providence has not connected the permanent felicity of a nation with its virtue? The experiment, at least, is recommended by every sentiment which ennobles human nature. Alas! is it rendered impossible by its vices?

In the execution of such a plan, nothing is more essential than that permanent, inveterate antipathies against particular nations, and passionate attachments for others, should be excluded; and that, in place of them, just and amicable feelings towards all should be cultivated. The nation which indulges towards another a habitual hatred or a habitual fondness is in some degree a slave. It is a slave to its animosity or to its affection, either of which is sufficient to lead it astray from its duty and its interest. Antipathy in one nation against another disposes each more readily to offer insult and injury, to lay hold of slight causes of umbrage, and to be haughty and in-

tractable, when accidental or trifling occasions of dispute occur. Hence, frequent collisions, obstinate, envenomed, and bloody contests. The nation, prompted by ill-will and resentment, sometimes impels to war the government, contrary to the best calculations of policy. The government sometimes participates in the national propensity, and adopts through passion what reason would reject; at other times it makes the animosity of the nation subservient to projects of hostility instigated by pride, ambition, and other sinister and pernicious motives. The peace often, sometimes perhaps the liberty, of nations, has been the victim.

So likewise, a passionate attachment of one nation for another produces a variety of evils. Sympathy for the favorite nation, facilitating the illusion of an imaginary common interest in cases where no real common interest exists, and infusing into one the enmities of the other, betrays the former into a participation in the quarrels and wars of the latter without adequate inducement or justification. It leads also to concessions to the favorite nation of privileges denied to others, which is apt doubly to injure the nation making the concessions; by unnecessarily parting with what ought to have been retained, and by exciting jealousy, ill-will, and a disposition to retaliate, in the parties from whom equal privileges are withheld. And it gives to ambitious, corrupted, or deluded citizens (who devote themselves to the favorite nation), facility to betray or sacrifice the interests of their own country, without odium, sometimes even with popularity; gilding, with the appearances of a virtuous sense of obligation, a commendable deference for public opinion, or a laudable zeal for public good, the base or foolish compliances of ambition, corruption, or infatuation.

As avenues to foreign influence in innumerable ways, such attachments are particularly alarming to the truly enlightened and independent patriot. How many opportunities do they afford to tamper with domestic factions, to practice the arts of seduction, to mislead public opinion, to influence or awe the public councils? Such an attachment of a small or weak towards a great and powerful nation dooms the former to be the satellite of the latter.

Against the insidious wiles of foreign influence (I conjure you to believe me, fellow-citizens) the jealousy of a free people ought to be constantly awake, since history and experience prove that foreign influence is one of the most baneful foes of republican government. But that jealousy to be useful must be impartial; else it becomes the instrument of the very influence to be avoided, instead of a defense against it. Excessive partiality for one foreign nation and excessive dislike for another cause those whom they actuate to see danger only on one side, and serve to veil and even second the arts of influence on the other. Real patriots who may resist the intrigues of the favorite are liable to become suspected and odious, while its tools and dupes usurp the applause and confidence of the people, to surrender their interests.

The great rule of conduct for us in regard to foreign nations is in extending our commercial relations, to have with them as little political connection as possible. So far as we have already formed engagements, let them be fulfilled with perfect good faith. Here let us stop.

Europe has a set of primary interests which to us have none, or a very remote relation. Hence she must be engaged in frequent controversies, the causes of which are essentially foreign to our concerns. Hence, therefore, it must be unwise in us to implicate ourselves by artificial ties in the ordinary vicissitudes of her politics, or the ordinary combinations and collisions of her friendships or enmities.

Our detached and distant situation invites and enables us to pursue a different course. If we remain one people under an efficient government, the period is not far off when we may defy material injury from external annoyance; when we may take such an attitude as will cause the neutrality we may at any time resolve upon to be scrupulously respected; when belligerent nations, under the impossibility of making acquisitions upon us, will not lightly hazard the giving us provocation; when we may choose peace or war, as our interest, guided by justice, shall counsel.

Why forego the advantages of so peculiar a situation? Why quit our own to stand upon foreign ground? Why, by

interweaving our destiny with that of any part of Europe, entangle our peace and prosperity in the toils of European ambition, rivalship, interest, humor or caprice?

It is our true policy to steer clear of permanent alliances with any portion of the foreign world; so far, I mean, as we are now at liberty to do it; for let me not be understood as capable of patronizing infidelity to existing engagements. I hold the maxim no less applicable to public than to private affairs, that honesty is always the best policy. I repeat it, therefore, let those engagements be observed in their genuine sense. But, in my opinion, it is unnecessary and would be unwise to extend them.

Taking care always to keep ourselves by suitable establishments on a respectable defensive posture, we may safely trust to temporary alliances for extraordinary emergencies.

Harmony, liberal intercourse with all nations, are recommended by policy, humanity, and interest. But even our commercial policy should hold an equal and impartial hand; neither seeking nor granting exclusive favors or preferences; consulting the natural course of things; diffusing and diversifying by gentle means the streams of commerce, but forcing nothing; establishing (with powers so disposed, in order to give trade a stable course, to define the rights of our merchants, and to enable the government to support them) conventional rules of intercourse, the best that present circumstances and mutual opinion will permit, but temporary, and liable to be from time to time abandoned or varied, as experience and circumstances shall dictate; constantly keeping in view that it is folly in one nation to look for disinterested favors from another; that it must pay with a portion of its independence for whatever it may accept under that character; that, by such acceptance, it may place itself in the condition of having given equivalents for nominal favors, and yet of being reproached with ingratitude for not giving more. There can be no greater error than to expect or calculate upon real favors from nation to nation. It is an illusion, which experience must cure, which a just pride ought to discard.

In offering to you, my countrymen, these counsels of an

old and affectionate friend, I dare not hope they will make the strong and lasting impression I could wish; that they will control the usual current of the passions, or prevent our nation from running the course which has hitherto marked the destiny of nations. But, if I may even flatter myself that they may be productive of some partial benefit, some occasional good; that they may now and then recur to moderate the fury of party spirit, to warn against the mischiefs of foreign intrigue, to guard against the impostures of pretended patriotism; this hope will be a full recompense for the solicitude for your welfare, by which they have been dictated.

How far in the discharge of my official duties I have been guided by the principles which have been delineated, the public records and other evidences of my conduct must witness to you and to the world. To myself, the assurance of my own conscience is, that I have at least believed myself to be guided by them.

In relation to the still subsisting war in Europe, my proclamation of the twenty-second of April, 1793, is the index of my plan. Sanctioned by your approving voice, and by that of your representatives in both houses of Congress, the spirit of that measure has continually governed me, uninfluenced by any attempts to deter or divert me from it.

After deliberate examination, with the aid of the best lights I could obtain, I was well satisfied that our country, under all the circumstances of the case, had a right to take, and was bound in duty and interest to take, a neutral position. Having taken it, I determined, as far as should depend upon me, to maintain it, with moderation, perseverance, and firmness.

The considerations which respect the right to hold this conduct it is not necessary on this occasion to detail. I will only observe that, according to my understanding of the matter, that right, so far from being denied by any of the belligerent powers, has been virtually admitted by all.

The duty of holding a neutral conduct may be inferred, without anything more, from the obligation which justice and humanity impose on every nation in cases in which it is free to

act, to maintain inviolate the relations of peace and amity towards other nations.

The inducements of interest for observing that conduct will best be referred to your own reflections and experience. With me a predominant motive has been to endeavor to gain time to our country to settle and mature its yet recent institutions, and to progress without interruption to that degree of strength and consistency which is necessary to give it, humanly speaking, the command of its own fortunes.

Though, in reviewing the incidents of my administration, I am unconscious of intentional error, I am nevertheless too sensible of my defects not to think it probable that I may have committed many errors. Whatever they may be, I fervently beseech the Almighty to avert or mitigate the evils to which they may tend. I shall also carry with me the hope that my country will never cease to view them with indulgence; and that, after forty-five years of my life dedicated to its service with an upright zeal, the faults of incompetent abilities will be consigned to oblivion, as myself must soon be to the mansions of rest.

Relying on its kindness in this as in other things, and actuated by that fervent love towards it, which is so natural to a man who views in it the native soil of himself and his progenitors for several generations, I anticipate with pleasing expectation that retreat in which I promise myself to realize, without alloy, the sweet enjoyment of partaking, in the midst of my fellow-citizens, the benign influence of good laws under a free government, the ever-favorite object of my heart, and the happy reward, as I trust, of our mutual cares, labors, and dangers.

# LITERATURE OF PATRIOTISM

## The Monroe Doctrine

[Extract from President Monroe's Message to Congress; December 2, 1823.]

*Fellow-Citizens of the Senate and House of Representatives:*

AT the proposal of the Russian Imperial Government, made through the minister of the Emperor residing here, a full power and instructions have been transmitted to the minister of the United States at St. Petersburg, to arrange by amicable negotiation, the respective rights and interests of the two nations on the northwest coast of this continent. A similar proposal has been made by his Imperial Majesty to the Government of Great Britain, which likewise has been acceded to. The Government of the United States has been desirous, by this friendly proceeding, of manifesting the great value which they have invariably attached to the friendship of the Emperor, and their solicitude to cultivate the best understanding with his Government. In the discussions to which this interest has given rise, and in the arrangements by which they may terminate, the occasion has been judged proper for asserting as a principle in which the rights and interests of the United States are involved, that the American continents, by the free and independent condition which they have assumed and maintain, are henceforth not to be considered as subjects for future colonization by any European powers.

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It was stated at the commencement of the last session that a great effort was then making in Spain and Portugal to im-

prove the condition of the people of those countries, and that it appeared to be conducted with extraordinary moderation. It need scarcely be remarked that the result has been, so far, very different from what was then anticipated. Of events in that quarter of the globe with which we have so much intercourse, and from which we derive our origin, we have always been anxious and interested spectators. The citizens of the United States cherish sentiments the most friendly in favor of the liberty and happiness of their fellow-men on that side of the Atlantic. In the wars of the European powers in matters relating to themselves we have never taken any part, nor does it comport with our policy so to do. It is only when our rights are invaded or seriously menaced that we resent injuries or make preparation for our defense. With the movements in this hemisphere we are, of necessity, more immediately connected, and by causes which must be obvious to all enlightened and impartial observers. The political system of the allied powers is essentially different in this respect from that of America. This difference proceeds from that which exists in their respective Governments. And to the defense of our own, which has been achieved by the loss of so much blood and treasure, and matured by the wisdom of our most enlightened citizens, and under which we have enjoyed unexampled felicity, this whole nation is devoted. We owe it, therefore, to candor, and to the amicable relations existing between the United States and those powers, to declare that we should consider any attempt on their part to extend their system to any portion of this hemisphere as dangerous to our peace and safety. With the existing colonies or dependencies of any European power we have not interfered and shall not interfere. But with the governments who have declared their independence, and maintained it, and whose independence we have, on great consideration and on just principles, acknowledged, we could not view any interposition for the purpose of oppressing them, or controlling in any other manner their destiny, by any European power, in any other light than as the manifestation of an unfriendly disposition towards the United States. In the war between these new governments and Spain we declared our

neutrality at the time of their recognition, and to this we have adhered and shall continue to adhere, provided no change shall occur which, in the judgment of the competent authorities of this government, shall make a corresponding change on the part of the United States indispensable to their security.

The late events in Spain and Portugal show that Europe is still unsettled. Of this important fact no stronger proof can be adduced than that the allied powers should have thought it proper, on any principle satisfactory to themselves, to have interposed, by force, in the internal concerns of Spain. To what extent such interposition may be carried on the same principle, is a question in which all independent powers whose governments differ from theirs are interested, even those most remote, and surely none more so than the United States. Our policy in regard to Europe, which was adopted at an early stage of the wars which have so long agitated that quarter of the globe, nevertheless remains the same, which is, not to interfere in the internal concerns of any of its powers; to consider the government *de facto* as the legitimate government for us; to cultivate friendly relations with it, and to preserve those relations by a frank, firm, and manly policy, meeting, in all instances, the just claims of every power; submitting to injuries from none. But in regard to these continents, circumstances are eminently and conspicuously different. It is impossible that the allied powers should extend their political system to any portion of either continent without endangering our peace and happiness; nor can any one believe that our Southern brethren, if left to themselves, would adopt it of their own accord. It is equally impossible, therefore, that we should behold such interposition, in any form, with indifference. If we look to the comparative strength and resources of Spain and those new governments, and their distance from each other, it must be obvious that she can never subdue them. It is still the true policy of the United States to leave the parties to themselves, in the hope that other powers will pursue the same course.

If we compare the present condition of our Union with its actual state at the close of our Revolution, the history of the

world furnishes no example of a progress in improvement in all the important circumstances which constitute the happiness of a nation which bears any resemblance to it. At the first epoch our population did not exceed three millions. By the last census it amounted to about ten millions, and, what is more extraordinary, it is almost altogether native, for the emigration from other countries has been inconsiderable. At the first epoch half the territory within our acknowledged limits was uninhabited and a wilderness. Since then new territory has been acquired of vast extent, comprising within it many rivers, particularly the Mississippi, the navigation of which to the ocean was of the highest importance to the original states. Over this territory our population has expanded in every direction, and new states have been established almost equal in number to those which formed the first bond of our Union. This expansion of our population and accession of new states to our Union have had the happiest effect on all its highest interests. That it has eminently augmented our resources and added to our strength and respectability as a power is admitted by all. But it is not in these important circumstances only that this happy effect is felt. It is manifest that, by enlarging the basis of our system and increasing the number of states, the system itself has been greatly strengthened in both its branches. Consolidation and disunion have thereby been rendered equally impracticable. Each government, confiding in its own strength, has less to apprehend from the other; and in consequence, each, enjoying a greater freedom of action, is rendered more efficient for all the purposes for which it was instituted. It is unnecessary to treat here of the vast improvement made in the system itself by the adoption of this Constitution, and of its happy effect in elevating the character and in protecting the rights of the nation as well as of individuals. To what, then, do we owe these blessings? It is known to all that we derive them from the excellence of our institutions. Ought we not, then, to adopt every measure which may be necessary to perpetuate them?

JAMES MONROE.

# Gettysburg Address

By ABRAHAM LINCOLN

[At the dedication of the National Cemetery at Gettysburg, Pa., November 15, 1863.]

FOURSCORE and seven years ago our fathers brought forth upon this continent a new nation, conceived in liberty, and dedicated to the proposition that all men are created equal. Now we are engaged in a great civil war, testing whether that nation, or any nation so conceived and so dedicated, can long endure. We are met on a great battle-field of that war. We have come to dedicate a portion of that field as a final resting-place for those who here gave their lives that that nation might live. It is altogether fitting and proper that we should do this. But in a larger sense we cannot dedicate, we cannot consecrate, we cannot hallow, this ground. The brave men, living and dead, who struggled here, have consecrated it far above our power to add or detract. The world will little note, nor long remember, what we say here; but it can never forget what they did here. It is for us, the living, rather to be dedicated here to the unfinished work which they who fought here have thus far so nobly advanced. It is rather for us to be here dedicated to the great task remaining before us, that from these honored dead we take increased devotion to that cause for which they gave the last full measure of devotion; that we here highly resolve that these dead shall not have died in vain; that this nation, under God, shall have a new birth of freedom, and that government of the people, by the people, and for the people, shall not perish from the earth.

# Second Inaugural Address

By ABRAHAM LINCOLN

*Fellow-Countrymen:*

AT this second appearing to take the oath of the Presidential office, there is less occasion for an extended address than there was at the first. Then a statement somewhat in detail of a course to be pursued seemed very fitting and proper. Now, at the expiration of four years, during which public declarations have been constantly called forth on every point and phase of the great contest which still absorbs the attention and engrosses the energies of the nation, little that is new could be presented.

The progress of our arms, upon which all else chiefly depends, is as well known to the public as to myself; and it is, I trust, reasonably satisfactory, and encouraging to all. With high hope for the future, no prediction in regard to it is ventured.

On the occasion corresponding to this, four years ago, all thoughts were anxiously directed to an impending civil war. All dreaded it; all sought to avoid it. While the inaugural address was being delivered from this place, devoted altogether to saving the Union without war, insurgent agents were in the city seeking to destroy it without war—seeking to dissolve the Union and divide the effects by negotiation. Both parties deprecated war; but one of them would make war rather than let the nation survive, and the other would accept war rather than let it perish; and the war came.

One eighth of the whole population were colored slaves, not

distributed generally over the Union, but localized in the southern part of it. These slaves constituted a peculiar and powerful interest. All knew that this interest was somehow the cause of the war. To strengthen, perpetuate, and extend this interest, was the object for which the insurgents would rend the Union even by war, while the government claimed no right to do more than to restrict the territorial enlargement of it.

Neither party expected for the war the magnitude or the duration which it has already attained. Neither anticipated that the cause of the conflict might cease with, or even before, the conflict itself should cease. Each looked for an easier triumph, and a result less fundamental and astounding.

Both read the same Bible and pray to the same God, and each invokes his aid against the other. It may seem strange that any men should dare to ask a just God's assistance in wringing their bread from the sweat of other men's faces; but let us judge not, that we be not judged. The prayers of both could not be answered. That of neither has been answered fully. The Almighty has his own purposes. "Woe unto the world because of offenses, for it must needs be that offenses come; but woe to that man by whom the offense cometh." If we shall suppose that American slavery is one of these offenses, which in the providence of God must needs come, but which, having continued through his appointed time, he now wills to remove, and that he gives to both North and South this terrible war as the woe due to those by whom the offense came, shall we discern therein any departure from those divine attributes which the believers in a living God always ascribe to him? Fondly do we hope, fervently do we pray, that this mighty scourge of war may soon pass away. Yet, if God wills that it continue until all the wealth piled by the bondman's two hundred and fifty years of unrequited toil shall be sunk, and until every drop of blood drawn with the lash shall be paid with another drawn with the sword; as was said three thousand years ago, so still it must be said, "The judgments of the Lord are true and righteous altogether."

With malice toward none, with charity for all, with firmness in the right as God gives us to see the right, let us strive on to

finish the work we are in, to bind up the nation's wounds, to care for him who shall have borne the battle and for his widow and orphans, to do all which may achieve and cherish a just and a lasting peace among ourselves, and with all nations.

# Humorous Advice to a Young Politician

By WILLIAM HENRY McELROY

MY DEAR NEPHEW: I was seventy years old yesterday, and although I feel as young as I ever did, I cannot shut my eyes to the fact that in spite of my feelings I really am an old man. So, since I must soon pass off the stage on which —if I say it who shouldn't—I have long been a prominent figure, it is only natural that I should desire, in the absence of a son of my own, that my mantle should fall to a son of one of my blood. I believe you have good stuff in you. Your valedictory when you graduated, last summer, although containing too little that was practical to suit my taste, would have done credit to the average Cong—I was going to write Congressman; but I can justly go further than that. It would have done credit to the Washington journalists, who sometimes compose—that is to say, revise—speeches for some of us Congressmen. This, however, like the rest of my communication, is strictly between ourselves.

When I left you on Commencement Day I urged you to lose no time in getting into politics, promising that I would help you push your fortunes as occasion offered. Since then I have received a letter from you, in which you write that you have read Story on the Constitution, Benton's Thirty Years in the United States Senate, Greeley's American Conflict, two or three works on Political Economy, and De Tocqueville on America. I suppose there can be no objection to such reading. Likely enough it has its value. But what I particularly desire, my dear nephew, is that you should become a practical politi-

cian—a thoroughly practical politician. I never remember reading any of the works you have mentioned, or any like them, unless, indeed, you call Barnum's How to Make Money a treatise on finance. And yet, cast your eyes over the salient points of my career. I have been alderman, supervisor, mayor, state representative, state senator, and congressman. For many years I have been chairman of our state and county committees. I can hardly remember the time when I didn't carry the vote of my own ward in my vest pocket and of my own city in my trousers' pocket, and I've got them there yet. For going on half a century I have had things pretty much my own way in caucuses and primaries, and the like. What has been the secret of my unusual success? I will try—in strict confidence, as you will understand—to give you some plain, blunt, non-partisan hints for your guidance in politics which may serve to answer the question.

I. Never allow yourself to lose sight of the fact that politics, and not poker, is our great American game. If this could be beaten into the heads of some presumably well-meaning but glaringly unpractical people, we should hear less idiotic talk about reform in connection with politics. Nobody ever dreams of organizing a reform movement in poker. How droll it would sound to read that "Hon. John Oakhurst, Hon. William Nye, and Hon. Ah Sin, in connection with other well-known citizens of California, are engaged in endeavoring to reform poker from the inside!" And yet political reform clubs, designed to reform politics from the inside or the outside, are springing up on all sides. Of course, it is just as well not to attempt to argue the masses out of their deeply rooted notion that politics is what Noah Webster defines it to be, "that part of *ethics* which has to do with the regulation and government of a nation or state." Ethics is very good in connection with politics. But then Webster, it must be remembered, was simply a learned lexicographer, and not a practical politician. No, no. Don't try to reason with the masses in this matter. The public has no head for such things. It will not understand.

II. Mr. Lincoln, a very estimable and justly popular, but in some respects an impracticable man, formulated another widely

diffused error in regard to politics. He held that ours is a government of the people, by the people, for the people. I maintain, on the contrary, that it is a government of politicians, by politicians, for politicians. If your political career is to be a success, you must understand and respect this distinction with a difference.

III. Not a few capable but unpractical people, when they fall to discussing our governmental system, argue that the existence of parties is necessary to the welfare of our country. But long experience has taught me that the more sensible way for a practical politician to look at it is that the existence of the country is necessary to the welfare of parties. Thank Heaven, my dear nephew, that we have a country!

IV. You have received your commission as postmaster of your village. A post-office is a capital political opening for a young man who has sense enough to discover how to make the right use of it. You will of course leave all matters touching the postal service to your deputy. Never forget that your pivotal duty as postmaster will be to nurse the party in your section. As a practical man, you must see, if you reflect a moment, that postmaster and local party master must be convertible terms with you if you expect to be approved by the great party leaders, and to become a great leader yourself, some day. To be sure, if you find leisure, there can be nothing indelicate in your appearing at the post-office now and then and doing a few strokes of purely postal work. But take care that such service does not encroach upon the hours when you ought to be fostering the party boom. In your selection of clerks you will be guided primarily by a determination to have only such men around you as will register your will every time at caucuses and conventions. Should it turn out in any instance that you have been deceived in your man, be nice about the phrase with which you discharge him. I submit a formula which has been repeatedly tried, and generally found to work well. We will suppose the clerk who won't answer is named John Doe. You will call him into your private office and address him substantially as follows: "Mr. Doe, I am compelled with all reluctance, at the call of duty, to dissever our relations, and must

request you to file your resignation forthwith. During your connection with this office as letter-carrier you have displayed an ability and a fidelity, a grace of manner and a strength of character, that have endeared you to all your associates and done not a little to elevate the tone of the entire American postal service. If I have brought myself to part with you, it is solely to the end that there may be greater homogeneousness of view, so to speak, in the office." One of your predecessors used this formula with great satisfaction to himself, and apparently to those whom he decapitated. He always found, he told me, that the first part of it put the clerk to whom it was addressed in capital humor, while the "homogeneousness" dazed him to that extent that he walked out of the office minus his head, not appreciating what had been the matter, but having a nebulous impression that he had been killed by kindness.

V. I sincerely hope it is not necessary that I should counsel you always to vote the regular ticket, the whole regular ticket, and nothing but the regular ticket. Hold fast, I beseech of you, to the doctrine of the infallibility of your party in convention assembled. Delegates, like kings, "can do no wrong." The voters who scratch ballots or bolt nominations are to be regarded as the bane of politics, just as certain other reformers have been the bane of religion. They all belong in the same category, and all are equally deserving of the execration of every practical man, as exponents of the pestiferous doctrine of the right of private judgment. And just here a word in reply to the familiar question, Would you vote for the Devil if he received the party's regular nomination? I have no hesitation in affirming that I certainly would. Let's look at it. If the day ever comes when the Devil is nominated, the other side will be pretty sure to run Gabriel against him. Of the two, my choice would be the Devil. To be sure, it would not be an ideal nomination—but then, neither is ours an ideal world. I am aware that the Devil has split hoofs, pronounced horns, and a bifurcated tail. But do we choose candidates for their good looks? As to his moral character, I frankly admit it is not all I could desire; but after criticism has exhausted itself, the fact remains, conceded by both parties, that he is not as black as he

is painted. On the other hand, he has many qualities that ought to commend him to practical men. He is self-made, he is thoroughly in earnest in all he undertakes, he is an untiring worker, he is one of the shrewdest of wire-pullers, he possesses vast and versatile accomplishments, he is unsurpassed in ability to find and manipulate the springs that move men, he has a positive genius for making friends. Gifted, popular, magnetic, at home in all circles, from the highest to the lowest, he would be certain to make a splendid run. As for Gabriel, I have only to say that, while his intellectual and moral endowments are undoubtedly of the highest order, there is great reason to fear that he would not succeed in the realm of practical politics. If elected to office, it is more than likely that he would prove more of a botheration than a boon to his party. He would be living up to the promises made during the canvass; he would resolutely decline to let well enough alone. Let me not be misunderstood. I yield to no one in my regard for Gabriel. But, as a practical man, I would feel called upon to vote against him, and do all I could for his opponent. In my own ward, where my influence is most potent and my political theories most approved of, I feel convinced that the Devil would have a very large majority. This hypothetical case is of course an extreme one, and is never likely to occur. I have dealt with it simply for the sake of showing you that the position of those who insist upon the invariable support of regular nominations is sound in the last analysis.

VI. How are scratchers and bolters to be dealt with? It is an exceedingly difficult question. I myself am at a loss to determine whether it is better to be extremely tender or awfully rough with them. Each policy is good at times, and in making a choice you must be guided by circumstances. In a sterner age than ours, an age that had less stomach for nonsense, gentlemen who were convicted of the crime of private judgment were burned at the stake. It is not permitted us in these latter, laxer days to make it as warm for scratchers and bolters as it was once made for John Huss; still we can show that we possess the sturdy practical views of those who flung Huss to the fagots, by pelting the scratchers and bolters with jeers,

sneers, and innuendoes, by crediting them with the meanest of motives, and insisting that they are either traitorous, inconsequential knaves, or silly, inconsequential fools. As for those upon whom such treatment is lost (and I confess that I suspect it fails with the majority of scratchers and bolters) try what is known to practical politicians as the postponement treatment. By the skilful use of this treatment I kept Vandyke Podgers from scratching or bolting for thirty-six consecutive years, and then just before the state election he died, and there was an end of that embarrassment. When I began to reason with him there was a presidential canvass on. "Podgers," said I, "as you love your country, do not scratch this year. Consider the far-reaching and vital importance of the issues involved." Podgers concluded to postpone. The following year I accomplished my purpose by reminding him that "this is the first and therefore the most critical year of an administration which upon the whole you indorse, Podgers, and which it is incumbent upon you to make some sacrifices heartily to sustain." He concluded to postpone. The next year my argument took the shape of, "My dear Podgers, let me beg of you to vote a straight ticket this year. Do you realize what year it is, Podgers? Of course you do. I need not remind a gentleman of your exceptional intelligence that this election is but the prelude to the presidential election of next year, with its issues of far-reaching and vital importance." Podgers concluded to postpone. The next year was the presidential year, when I repeated the argument first mentioned. The others in turn again did service, and so on for thirty-six years. And that's the way I kept persuading Podgers to postpone. He never was, but always to be, a scratcher or a bolter. At the elections at which no national or state ticket was run, and only minor local offices were to be filled, I pointed out to Podgers the necessity of keeping the party organization intact; and when all other arguments failed I insisted that of two evils he should always choose the least and that, admitting that our ticket was evil, it was the least of the two. Even this brief and inadequate account of its application will make sufficiently clear to you, I think, the true inwardness of the postponement

treatment. Just one word more about it. Those who employ it with the most gratifying results allow the impression to be produced in the patient's mind at the outset that, although they have never happened to find an election at which scratching or bolting could be indulged in without perfectly harrowing injury to public interests of colossal moment, yet, nevertheless, they heartily and unreservedly approve of scratching and bolting in the abstract. Such an attitude on my part toward poor Podgers won his confidence at our first political conference on this subject, and produced in him a mood hospitable to all my subsequent arguments and admonitions.

This communication has already exceeded reasonable limits, and yet I have only touched upon a few points. But perhaps I have written enough to start you right, to make you understand the nature of our great American game, and to put you in possession of the clew to the secret of playing it successfully. Be it yours to consult the expedient, leaving it to the purists of the party to consult the highly proper. Beware of those who take sentimental views of unsentimental matters. A man who would "rather be right than be president" by all means ought to decline a presidential nomination, and run for a position in a theological seminary, a Sunday-school, or Vassar College; while he who holds that "one with God is a majority" antagonizes the system of reckoning which has come down to us from the fathers, and which has the approval of every practical inspector of American elections. Be practical in your politics, be practical, evermore be practical.

With fervent hopes and high anticipations of your future, I subscribe myself your affectionate uncle,

——— ———.

To ——— ———, Esq.

# HISTORY OF POLITICAL PARTIES

## Events Leading up to the First Party Formation

THE political existence of the United States dates from the battle of Lexington, the first battle of the Revolutionary War, April 19, 1775. When the conflict with England began, there were two parties in the colonies. They corresponded in name with the leading political parties in England at that time. Their aims and objects were, of course, dissimilar.

The colonial Whigs, including a majority of representative citizens and many young men of adventurous spirit, were willing to remain loyal to the British Crown if certain rights and privileges demanded by them were accorded.

The colonial Tories were content with conditions as they existed. They recognized the authority of the British to govern the colonies in accordance with the dictates of the King and his advisers. With the Declaration of Independence, the Whigs became enthusiastic advocates of separation. They declared in favor of an absolute breaking away from British rule. The Tories remained pro-British. Eventually, many sympathizers with the English colonial administration left the country.

In some states, during the war, the Whigs predominated. In others, Tories were in the majority. States there were, too, in which opinions were fairly well divided. When war was declared, the administrative affairs fell naturally into the hands of the Whigs, and were maintained by them throughout.

When the Revolution ended, the Whigs split into two parts; one faction, known as "Particularists," advocated the sover-

eignty of the states as units and favored confederation. The other, announced as the "Strong Government" party, favored a Constitution and a centralized Federal authority, to be recognized by all states as practically supreme.

## Federals and Anti-Federals

Six years later, in 1787, the "Strong Government" men were identified and referred to as "Federalists." The "Particularists," taking the opposite view of the public affairs, were spoken of as "anti-Federalists."

The Federalists, favoring the ratification of a Constitution, and the anti-Federalists, who opposed its adoption, were, when the time came to put its provisions in force, avowed political antagonists. The history of political parties in the United States dates from this period.

The Federalists, or Federals, supported by Washington, John Adams, Hamilton, Madison, and Jay, began, in 1787, their career as a recognized party. From 1789 until 1800 they controlled the national government. From 1800 to 1816, when the party went out of existence, they remained in opposition. Their general policy was one of broad constitutional construction, which gave the national government great power. They advocated a tariff, internal revenue, the funding of the public debt, the establishing of a United States Bank, the organizing of a militia, and the assumption of state debts by the government. They favored England as against France.

The Federals elected Washington as the first President of the United States in 1789, and chose him a second time in 1792. Four years later, they elected John Adams as Washington's successor to the presidential office. The end of the Adams administration, in 1800, marked the exit of the Federal party from power.

The most vital legislative and other measures passed or approved during Federal rule included the Constitution (1789); a tariff act with duties averaging about eight and one half per

cent (1789); a "Bill of Rights," subsequently incorporated in ten Constitutional Amendments (1789); the establishing of a regular army (1789); the assumption and subsequent funding by the national government of the debts of the several states, incurred during the Revolutionary War and amounting to $18,271,786 (1790); the determining of a permanent seat for the national government in the District of Columbia (1790); the establishing of a national bank for twenty years with a capital of $10,000,000, one fifth being subscribed by the government (1791); the organizing of a militia, ordering the enrolment of all male white citizens between eighteen and forty-five years of age (1793); the ratification of the eleven amendments to the Constitution, limiting the judicial power of the United States as against the states, asserting the non-inability of the states (1794); the ordering of six frigates, three of the very heavy class, as the basis for an American navy (1794); the negotiations with England, by Chief Justice Jay, of a treaty of amity, commerce and navigation (1794); the passing of the Alien and Sedition Laws, the former for the expulsion of odious foreigners by the President, the latter to punish persons who unlawfully opposed or stirred up sedition against the Federal government or its officials (1798); and the removal of the national capital to Washington, D. C. (1800).

The provisions of the Alien and Sedition Laws proved to be so distasteful to the people that the prestige of the Federal party, under whose auspices these measures were promulgated, fell rapidly and was never regained.

The supremacy of the party, from the time of its organization until its removal from power, was upheld largely by the superior organization and shrewd management of able leaders. It was never really popular, acting frequently in direct opposition to views and ideas most in favor with the masses. The party rule of non-interference with the affairs of other nations, particularly France, caused much dissatisfaction. The passage of bills to increase expenditure for purposes of national development was blocked by the anti-Federals on every possible occasion.

When in opposition, after the election of Jefferson to the

presidency, in 1800, the Federal party, up to that time advocates of a state church, relinquished the idea. They fought against the purchase of Louisiana. After the purchase the Federals endeavored to bring about a secession of the northern states, believing that, with Louisiana added, the balance of power would rest permanently with the South. Through the opposition of Alexander Hamilton, this plan was frustrated.

When Jefferson was elected by the House, in 1800, a division took place in the Democratic-Republican party ranks. The adherents of Aaron Burr, who received seventy-three votes,—being an equal number with those of Jefferson—formed a party and called themselves Burrites. The antagonism between this faction and the regulars deepened as Burr became more active in furthering his ambitions. The Federalists endeavored to use this faction as a means to regain power. The Burrites, as a party, became extinct when Burr died.

In 1807, under Jefferson's second administration, Congress issued an Embargo Act, detaining all American vessels in American ports and cutting off commercial intercourse with England and France to compel their recognition of the rights of neutrals; but as it failed in its purpose, it robbed the Republican-Democratic party of strength and gave the Federalists an opportunity to recuperate. Owing to a lack of proper leadership, however, they failed to reap a permanent advantage. In the presidential election of 1812, the Federal party had no ticket. They supported De Witt Clinton, an official of the Democratic-Republican Party, and opposed to the war with England. Madison, Republican, was reëlected. The Federals protested vigorously throughout the war against a continuance of hostilities. In 1814, they held a convention at Hartford in favor of their cause, but without practical results. Their resolutions were declared to be disloyal. During their deliberations, a treaty of peace was signed at Ghent, December 24. With the advent of renewed prosperity, the Federal party leaders, being unpatriotic, fell out of favor with the people. Members of that party gradually left its ranks. Many joined the party in power. In 1816, at the presidential election, the Federals again voted with the Clintonians, supporting Rufus King for

the presidency. King received only thirty-four votes, Monroe, the Democratic-Republican candidate, receiving one hundred and eighty-three. With this defeat the career of the Federal party ended. Questions involved in the old controversies between the parties had lost their significance, and party differences died out.

## The Democratic-Republican Party

The "Particularists" of 1781 became in 1787 "anti-Federalists." They had fought persistently and strenuously, in and out of Congress, against all efforts to alter or amend the Articles of Confederation, when, on September 17 of that year, those articles were set aside and a Federal Constitution was adopted, the name "Federalist" having been chosen to indicate the party of the Constitution, formerly "Strong Government" men. Their opponents, squarely at issue with them on this and other questions, were willing to be recognized as "anti-Federalists."

Most prominent among the anti-Federal leaders were Patrick Henry, John Hancock, Samuel Adams, and George Clinton. These men and their followers held deep-rooted convictions antagonistic to the avowed Federal policy. They suspected their opponents of a desire to build up a terrorizing, oppressive, absolute, central government. They believed that the independence of the states as units would be entirely sacrificed. Concerning the newly made Constitution, they insisted on a strict interpretaton of its provisions, refusing to countenance in any way the broad construction advocated and adopted by the Federal adminstration.

Alexander Hamilton and Thomas Jefferson were members of Washington's cabinet, the former being secretary of the treasury and the latter secretary of state. Each had his followers in Congress.

When the first Congress under the Constitution assembled in New York, March 4, 1789, there was but a small majority of Federalists, and these were in favor of the measures recom-

mended by the administration. The ideas of Hamilton and Jefferson on state and national affairs formed the principal issues on which the political parties were divided during several succeeding administrations. Hamilton was the recognized leader of the Federal party. Jefferson was acknowledged as the head of the opposing political force.

The anti-Federals were aggressive in Congress. They took an active part in all debates, disputing every vital point, contesting, inch by inch, every threatened encroachment on their principles. The financial policy of Hamilton, as exemplified in the bill for the assumption by the Union of state war debts, and in his project for the organization of a national bank, was strongly disapproved. In the opinion of the anti-Federalists, as voiced by Jefferson and Randolph, the proposed bank was not sanctioned by the Constitution.

Hamilton's bill to form a militia was condemned. The leaders of the French Revolution, at first applauded and endorsed by both parties, eventually lost, by their excesses, the countenance of the administration, only to be cheered on with redoubled zeal by the rank and file of the anti-Federalist party.

The Constitution, as amended, after a fair trial proved acceptable to the people. Opposition to it gradually died away. New issues sprang up.

The term "anti-Federals," as applied to the Jeffersonian party, seemed no longer appropriate. In 1791 the party name was changed in general usage to "Republican." The full title chosen was "Democratic-Republican." In 1792, this name "Republican" was formally applied, and the party's purpose was defined.

In April, 1793, Washington gave great offense to the Republicans by proclaiming neutrality with reference to the war then in progress between France and Spain, declaring that the United States should avoid complications with foreign nations. By this proclamation the Republicans, desirous to aid France, found their way obstructed. Jefferson declared that the proclamation wounded popular feelings and national honor. At the end of the year he resigned.

During the administration of John Adams, Federalist

(1797–1802), Republican party sympathy with France was more strongly manifested than at any previous time. Complications arose, but the Republicans stood firm in their friendship for France. The enlargement of the army and navy was resisted. The passage of the Alien, Sedition and Naturalization Laws (1798) was fiercely contested by the Republicans. Their opposition to the Alien Law was based on the belief that it lodged with the Executive too much power and was liable to great abuse. They objected to the Sedition Law on the ground that it restricted liberty of speech and of the press. Regarding the Naturalization Law, which provided that an alien must reside in the United States fourteen years before he could become a citizen, the Republicans protested that it kept back immigrants, allowed in the country too many persons owing no allegiance to the government, and was at variance with the accepted theory that the rights of Americans are the rights of human nature.

The discontent of the Republican party with the Federal administration found voice also in the Kentucky and Virginia resolutions (1798), the former asserting the right of each state to determine the extent of national authority; the latter denouncing the action of Congress for "infraction of the Constitution" by passing the Alien and Sedition Laws.

In the Sixth Congress (1799), there was a Federal majority in the House, but a rupture in the cabinet, disaffection in the Federalists' ranks, and a widespread feeling of irritation among the people concerning the provisions of the Alien and Sedition Laws, gave an impetus to the Republican cause which, together with a combination of favorable circumstances, finally landed the party in power, with Thomas Jefferson, their leader, as President of the United States. In the election of 1800, John Adams and Charles Cotesworth Pinckney were the candidates of the Federals for President and Vice-President, respectively. One faction of the Federals desired to have Pinckney for President.

Thomas Jefferson and Aaron Burr were the Republican candidates. Of the electors chosen, seventy-three were Republicans and sixty-five Federalists. The Republicans' vote of

delegates showed seventy-three each for Jefferson and Burr. The decision fell to the House of Representatives. Jefferson was chosen in the ninety-sixth ballot.

On March 4, 1801, the first Democratic-Republican administration took office. James Madison, of Virginia, was appointed Jefferson's first secretary of state. The President, in his inaugural address, showed a desire to bring about unity of action between the Republicans and the Federalists.

The administration of Jefferson (Democratic-Republican, 1801–1809) met with public approval. The finances of the nation prospered. Material resources increased rapidly. The party in power successfully antagonized the Federal idea of a state church. The naturalization laws were modified so that a residence of five years and an application three years prior to admission gave the privilege of citizenship to aliens.

The purchase of Louisiana, in 1803, was a notable feature of Jefferson's first administration. One of the most important events at the close of his first term was the ratification of the Twelfth Amendment to the Constitution (1804), whereby each of the state electors was relieved from voting for two candidates for President, as had up to that time been required. At the end of 1805, the Democratic-Republican party, formerly anti-Federalists, began to use the name "Democrat" as the party designation.

During the same year, owing to the struggle on the European continent between Napoleon and the allied powers, Jefferson inaugurated a vigorous foreign policy. By a second Embargo Act, in 1807, Congress ordered the detention of all American vessels in American ports, thus cutting off commercial intercourse with England and France. This law was afterward repealed, taking effect from March, 1809. Jefferson declined nomination for a third term.

The Democratic administration of Madison (Democratic-Republican, 1809–1817), was, in general policy, in harmony with the principles adopted by his immediate predecessors. The controversy with England was still pending. That country and France were still at a deadlock, and disregarding neighboring neutrals.

In 1811, the majority in Congress forced Madison to declare war against Great Britain as a condition of his reëlection. In April, 1812, a third Embargo Act was passed by Congress, as a retaliatory measure against the imprisonment of six thousand American seamen. The Embargo lay for ninety days on all British vessels within the jurisdiction of the United States. On June 18, Congress declared war against England.

Massachusetts, Connecticut, and Rhode Island opposed the war, refused to furnish levies, and threatened to secede. The party was divided on the war issue. Henry Clay and John C. Calhoun led the war party. Madison was against such an aggressive policy, but yielded ultimately to party pressure. He was renominated in caucus and reëlected in 1812. The war with England was popular in the South and the West.

In 1816, Congress, on the President's recommendation, enacted a protective tariff of about twenty-five per cent on imported cotton and woolen goods, and specific duties on wine. During the latter part of his administration, Madison declined to sanction internal improvements, as being in his opinion unconstitutional.

By the election of Monroe, in 1816, the Democrats maintained their domination, but party issues died out, and "an era of good feeling" was inaugurated. Andrew Jackson aided greatly in subduing party strife.

Monroe favored internal improvements, but, like Madison, he felt that under the Constitution, strictly interpreted, Congress was unauthorized to undertake them. During his administration West Florida was surrendered, and East Florida was ceded by Spain to the United States in 1819. Five million dollars were paid, and our rights to Texas were relinquished. The Missouri Compromise, in 1820, was the ending of a fierce political struggle, into which the question of slavery largely entered. The petition of the territory of Missouri for admission to statehood as one of the slave states was stoutly resisted in Congress. By the Compromise it was finally admitted as a slave state, but on the condition that slavery be prohibited from the balance of the territory west of the Mississippi, north of

36° 30′ north latitude—the latitude of the southern border of Missouri.

Monroe was reëlected in 1820. The "Monroe Doctrine" was announced in a message from the President to Congress, December 2, 1823. The principle involved is shown in the following extract from the message: "We owe it to candor, and to the amicable relations existing between the United States and the European Powers, to declare that we should consider any attempt on their part to extend their system to any portion of this hemisphere as dangerous to our peace and safety." In this declaration of policy it was also announced that the American continents, by the free and independent positions which they had assumed and maintained, were henceforth not to be considered as subjects for future colonization by any European power. England joined in the protest. The allied powers suspended all further proselytizing operations. In 1824, Congress, by a narrow majority, enacted a new tariff, more highly protective than the old, the average rate being twenty-seven per cent. Monroe, under whose administration domestic industries had been revived and partisan hostilities minimized, declined nomination for a third term.

Andrew Jackson (Democratic-Republican) secured the largest popular vote, in 1824, after an exciting campaign against three other candidates, John Quincy Adams, Henry Clay, and William H. Crawford, all of the same party, or belonging to factions of the same party. They were all spoken of in a general way as "Republicans." The electoral vote gave Jackson, Adams, and Crawford precedence over Clay. The decision being left to the House of Representatives, Adams, Monroe's secretary of state, was chosen. As Monroe had brought about harmony among the factions before his retirement, the task of Adams was made easier. He continued the policy of his late chief, making Henry Clay his secretary of state. Differing from Monroe and Madison, Adams deemed internal improvements constitutional.

In 1828, the supporters of Jackson and Crawford declared themselves "Democrats," and abandoned the name "Republican." They selected the title of Democrat as a novel, distinct,

and popular name. The beginning of the modern Democratic party dates from this time. Until 1836, the Democrats were frequently referred to as "Jackson's men." They claimed that, being believers in the letter of the Constitution, or close constructionists, their organization was substantially a reformation and continuation of the real party of Jefferson.

The supporters of John Quincy Adams retained the name "Republican," and prefixed the word "National." They proclaimed themselves followers of Jefferson, Madison, Monroe and Adams. They were broad constructionists, believing, as did the Federals, in a looser or more liberal interpretation of the Constitution than the Democrats.

The election of 1828 put Andrew Jackson (Democrat) in office. He made known his agreement with the views of his four Democratic predecessors. Jackson served two terms. A conspicuous feature of his administration was the removal of nearly seven hundred Federal office-holders, the vacancies being filled from the ranks of his political adherents. This episode marked the inauguration of the "spoils system," and the struggle for Federal office among partisans of each incoming administration. Jackson continued to carry out the policy of internal improvements. A tariff bill was passed in 1832, reducing the duties on wine, but increasing them on wool, the principle of taxation being still maintained. South Carolina protested vigorously against this measure.

In 1832, the first convention of the Democratic party was held at Baltimore. Jackson and Van Buren were nominated. The two-thirds rule was introduced in voting. This made a two-thirds vote of the whole number of votes of the convention necessary to constitute a choice.

South Carolina, in state convention, 1832, refused to recognize the Tariff Act of that year, and passed an ordinance declaring the tariff laws of 1828 and 1832 to be unconstitutional and "null and void," and these laws were not binding upon the state. This proceeding was condemned by Jackson in a message. The President declared that the Federal tariff law must and should be enforced. The state convention, reconvening, repealed the ordinance.

In 1833, Jackson ordered the balance in the national banks to be used for payment of government current expenses, mentioning certain state banks as depositories. This step met with great disfavor, and the Senate declared his action unconstitutional. The sub-treasury plan was suggested. The removal to state banks was not made. The bank deposit agitators gave birth to the Whig party.

In 1836, Jackson issued a special circular ordering land sale payments to be made to the government in gold and silver. This induced a contraction of the currency and a scarcity of money.

Martin Van Buren (Democrat), Vice-President during Jackson's second term, attained the presidency in 1836. A year later a serious financial panic occurred—precipitated by the action of his predecessor regarding the removal of deposits and specie payments for land. The sub-treasury plan was adopted in 1840. Van Buren was defeated for reëlection.

The agitation resulting from Jackson's order for removal of deposits from the United States Bank, gave the Whigs a great advantage. At the election of 1840 they proved strong enough to overthrow the Democratic administration. William Henry Harrison, Whig, was elected President, with John Tyler as Vice-President. The Whigs remained in power four years. Harrison died a month after his inauguration. This placed Tyler in the presidential chair.

The Democrats wrested control from the Whigs in 1844, electing James Knox Polk to the office of Chief Executive. He united the party and made it a strong fighting force against the Whigs. Texas was added to the Union during the Polk régime. War was declared against Mexico in April, 1846. It lasted until February, 1848, when, by the treaty of Guadalupe Hidalgo, Mexico ceded New Mexico and Upper California. A Sub-Treasury Act, repealed by the Whigs, was re-enacted under Polk.

In 1846 a tariff "for revenue only" was entered on the statute book. The Oregon treaty, making the 49° parallel the dividing line between American and British territory, was ratified.

With the election of Zachary Taylor (Whig, 1848), as President, and Millard Fillmore as Vice-President, the Democrats stepped aside once more and became a formidable opposition party. Taylor's death took place in July, 1850. Fillmore succeeded to the presidential chair. Several important compromise measures were enacted in that year, a number of questions at issue between the parties being thus disposed of. The bills passed included the organizing of Utah and New Mexico into territories, without reference to slavery; the admission of California as a free state; the payment to Texas of $10,000,000 for her claim to New Mexico; the Fugitive Slave Law, providing for the return of slaves escaping from their masters; and the abolishment of the slave trade in the District of Columbia.

Again, in 1852, the pendulum swung in the opposite direction, Franklin Pierce (Democrat) being chosen as Fillmore's successor. Under Pierce the Kansas-Nebraska Bill was passed. This measure started slavery disputes anew, and created much unrest and anxiety in the vast territory affected by its provisions. Kansas had for a time two legislatures, one pro-slavery, the other anti-slavery. Civil war was waged between the parties represented in these two assemblies during the Pierce administration. The new Republican party came into being in 1854–'55.

James Buchanan (Democrat) succeeded Pierce in 1857. The Dred Scott decision, which excited great interest and much sectional feeling, was made two days after Buchanan's inauguration. Dred Scott was a Missouri slave, taken by his master to Illinois in 1834, then to Minnesota in 1838, thence back to Missouri, and was whipped for misconduct after arrival at his original domicile. He sued for damages, claiming through his lawyers that he had become free by residence on free soil. His claim was allowed by the Circuit Court, but disallowed on appeal in the State Supreme Court. This latter decision was upheld by Chief Justice of the United States Taney, it being decided that neither negro slaves, nor their descendants, whether slave or free, could become citizens under the Constitution of the United States. It was further ruled that it was unconstitutional for Congress to decree freedom to any terri-

tory, and declared that the Missouri Compromise was unconstitutional. The Southern states applauded Taney's decision. Those of the North protested loudly against it.

The raid of John Brown into Virginia to free the slaves took place in October, 1859. The Democratic national convention met at Charleston, S.C., and decided on the slavery issue. The South demanded unequivocal assurance of the rights of citizens to establish slavery in the territories, and insisted that provision be made for recognition by the national government in sustaining that right. The supporters of Stephen Arnold Douglas declined to sanction these demands. The Southern Democrats seceded from the convention. The others adjourned without action. Subsequently, at Baltimore, Stephen A. Douglas, was nominated by the non-seceders. The seceders, or southern members, nominated John Cabell Breckinridge.

The election of Abraham Lincoln (Republican), in 1860, removed the Democrats from control of the national government. They remained out of power until the election of Grover Cleveland, in 1884. In the interval they took an active part in support of the several platforms issued at the national conventions of the party. Formidable opposition was shown to the financial legislation of Congress during Lincoln's first administration, during which the issue of $150,000,000 of legal tender notes, since known as "greenbacks," was authorized. The Democrats claimed that the Constitution gave no authority for such an issue. They also advocated the taxing of the national bonds, provided for by the Loan Act of 1861–'62.

The President's Emancipation Proclamation met a storm of Democratic disapproval. An act authorizing the enlistment of colored troops for service in the field was met with Democratic protests. The establishing by Congress of a Freedmen's Bureau (1864–'65), for the protection of freedmen and fugitives, failed to secure Democratic support.

General George B. McClellan (Democrat), nominated in 1864, received twenty-one electoral votes, eleven Southern states not voting. The popular vote cast for him was 1,808,725 against 2,216,067 for Lincoln (Republican). President Lincoln was shot by an assassin and fatally wounded at Ford's Theatre,

Washington, on April 14, 1865, his death occurring the next day. After his assassination and the accession of Andrew Johnson (Republican), the question of the reconstruction of the South and of the Democratic party became prominent. The Democratic party sustained President Johnson in his contention that the seceded states had never left the Union, and could not leave it, though they had broken their relations with it. They vehemently resisted the passing, over the President's veto, of the Reconstruction Act (1867). The ratification of the Thirteenth Amendment to the Constitution, abolishing slavery, taking effect from December 18, 1865, was opposed by the Democrats in Congress. Other measures disapproved by them were the bill to enlarge the powers of the Freedmen's Bureau; the Fourteenth Amendment (1866), assuring civil rights to the freedmen; the act giving suffrage to negroes in the District of Columbia and the territories; measures aimed at the power of the President, who was antagonized by the party, and the impeachment of the President for alleged violation of an act—"Tenure of Office"—intended to curtail his authority.

Horatio Seymour (Democrat), nominated in 1868, received eighty electoral votes. The popular vote cast for him was 2,709,613 against 3,015,017 for General Ulysses S. Grant (Republican).

The contest in this election was chiefly upon issues growing out of the war and the reconstruction policy of Congress. During Grant's administration the Democrats opposed the passing of an act to suppress the "Ku-Klux Klan," a southern organization antagonistic to the Fourteenth and Fifteenth Amendments.

The Democratic party, in 1872, accepted Horace Greeley, the candidate of the "Liberal Republicans" as their nominee for President His death occurred before the meeting of the Electoral College, and the vote was scattered, forty-two being given to Thomas A. Hendricks. The popular vote cast for Greeley was 2,834,079, against 3,597,070 for Grant. During Grant's second term the reconstructed Confederate states regained control of nearly all their state governments.

The bill for resumption of specie payments (1875), to take

effect from January 1, 1879, met with opposition from the Democrats.

Samuel J. Tilden (Democrat), nominated in 1876, received one hundred and eighty-four electoral votes. The popular vote officially recorded for him was 4,284,875, against 4,033,975 for Rutherford B. Hayes, Republican. The electoral vote was disputed; Florida, with four votes, and Louisiana, with eight, were contested. An electoral commission appointed by Congress finally decided in favor of Hayes by a majority of one. Federal interference with elections in the state was a fiercely fought issue of the Democrats during the Hayes administration.

The Forty-sixth Congress (1879–1880), for the first time since 1856, had a Democratic majority in Senate and House. The Hayes administration was uneventful, so far as Democratic partisan plans and measures were concerned. General Winfield Scott Hancock (Democrat), nominated in 1880, received one hundred and fifty-five electoral votes. The popular vote cast for him was 4,444,952, against 4,454,416 for James Abram Garfield (Republican).

The National Democratic Convention included in its platform "Home Rule," honest money, consisting of gold and silver and paper, convertible into coin, on demand; the strict maintenance of public faith, state and national; a tariff for revenue only; the subordination of the military to the civil power; and a general and thorough reform of the civil service. The defeat of Hancock and the election of Garfield, followed by the untimely death of the latter, in 1881, at the hands of an assassin, and the succession of Chester Alan Arthur, led to the postponement of many contemplated reforms.

Grover Cleveland (Democrat), nominated in 1884, received two hundred and nineteen electoral votes. The popular vote cast for him was 4,874,986, against 4,851,981 for James Gillespie Blaine (Republican). Measures passed during the Cleveland administration (1885–'89) included the Alien Landlords' Bill, limiting the holding of land and mines in territories by foreigners; the Interstate Commerce Bill, providing for the appointment of five commissioners, with large powers, over railway charges; a bill for the suppression of polygamy among

the Mormons; the Chinese Exclusion Bill; the Nicaragua Canal Bill, and enabling acts for the framing of state Constitutions for South Dakota, Montana, and Washington, and for their admission into the Union, also for the division of Dakota. When near the end of his term, the President sent to the House a tariff message, in which he agreed with the views of the Democratic tariff reformers of the Forty-eighth and Forty-ninth Congresses.

Cleveland was renominated in 1888, and received one hundred and sixty-eight electoral votes. The popular vote cast for him was 5,536,242, against 5,440,708 for Benjamin Harrison (Republican). The defeat of the Democratic nominee for President carried with it the defeat of the Democratic House. The Democratic platform of 1888 endorsed the views of Cleveland on the tariff, and advocated the admission as states of Washington, Dakota, Montana, and New Mexico. In 1890 the Sherman Law was passed, directing the purchase each month of 4,500,000 ounces of silver bullion at the market prices, and the issuing of the same volume of Treasury notes, which should be legal tender in all cases.

Cleveland was nominated for a third term in 1892, and received two hundred and seventy-seven electoral votes. The popular vote cast for him was 5,554,267, against 5,175,201 for Harrison. The Democratic party was pledged by its platform of 1892 to repeal the Sherman Law and the McKinley Tariff Bill; to secure repose for the Southern states; to repeal all laws allowing Federal interference with elections. In the Fifty-third Congress the President and Congress were Democratic.

During Cleveland's second term, the Sherman Silver Bill was repealed, the Wilson Tariff Bill was substituted for the McKinley Bill, and the Federal election laws were annulled. In 1893 a financial panic occurred. As a result of aggressive British policy with reference to Venezuela, the President announced officially to the British Government the intention of the United States to enforce the Monroe Doctrine to the fullest extent. In order to suppress labor troubles arising from strikes among railroad men in Chicago, the government issued

an injunction restraining strikers from interfering with trains carrying the mail.

William Jennings Bryan was the Democratic nominee in 1896. He received one hundred and seventy-six electoral votes. The popular vote cast for him was 6,502,925, against 7,104,779 for William McKinley (Republican). In the Democratic platform the money question was predominant. Bryan was endorsed by the regular Democratic Free Silver men and the People's Party. He was repudiated by the National or Gold Democrats, who nominated General John M. Palmer.

During the first McKinley administration (1897–1901), the Dingley Tariff Bill became a law (1897), taking the place of the Wilson Bill. In 1898, Idaho, Kansas, Nebraska, South Dakota, Washington, and Wyoming—all for Bryan in 1896—became Republican.

Bryan was renominated by the Democratic party in 1900. He was also the candidate of the People's Party and the Silver Republicans. He received one hundred and fifty-five electoral votes. The popular vote cast for him was 6,351,008, against 7,215,696 for McKinley. The platform declared against imperialism; the Porto Rico Law; the administration policy in the Philippines; militarism; private monopolies, trusts; and the Dingley tariff. It called for the evacuation of Cuba by United States officials; the upholding of the Monroe Doctrine; the election of United States senators by the people; the construction of the Nicaragua Canal; the establishing of a Department of Labor; statehood for the territories; irrigation of arid lands; the exclusion of Chinese; avoidance of alliances with foreign powers; and the repeal of the Spanish war taxes.

The Congressional election of 1902 gave one hundred and seventy-eight Democrats to the House of Representatives, the Fifty-eighth Congress consisting of three hundred and eighty-six members. In the Fifty-seventh Congress there were one hundred and forty-four Democrats, one hundred and ninety-eight Republicans, and nine Fusionists, in the House. The Senate, 1902–'03, contains thirty-two Democrats and fifty-six Republicans. There were two vacancies. The Chinese Exclu-

sion Act was passed in 1902, also an act to repeal war revenue taxation. These measures were called for in the Democratic platform of 1900.

## The Republican Party

The modern Republican party, first organized in 1854, had its origin in the fierce political fight precipitated by Stephen A. Douglas when he introduced in the Senate a measure known as the Kansas-Nebraska Bill, for the organization of two new territories and the repeal of the Missouri Compromise. The Douglas bill was widely condemned as an assault upon freedom. It was bitterly assailed from pulpit and platform, and also by the press. The anti-slavery element arose in great strength to oppose its passage. Men of all parties joined hands in the movement.

In February, 1854, at an enthusiastic public meeting called by Andrew E. Bovey at Ripon, Fond du Lac County, Wisconsin, it was resolved that if the Kansas-Nebraska Bill should pass, they would "throw old party organizations to the winds and organize a new party on the sole issue of the non-extension of slavery." At a second meeting, held in March, Mr. Bovey suggested the name "Republican." The bill did pass, and it received the President's signature on May 30th. Five weeks later, at a state convention held in Detroit, the name "Republican" was first formally given to the fusion of Whigs, Free-Soilers, many Know-Nothings, and such Democrats as were opposed to the extension of slavery. In such states as held elections during the remaining months of 1854 the new party was organized. In the following year much was done towards the completion of the organization. The Democratic party was defeated in most of the free state elections.

The first Republican national convention assembled at Philadelphia on June 17, 1856. John C. Frémont was nominated for the presidency. The platform condemned polygamy and slavery; required the admission of Kansas as a free state; advocated the laying of a railroad to the Pacific; and insisted that

appropriations for river and harbor improvements were constitutional. Frémont received one hundred and fourteen electoral votes. The popular vote cast for him was 1,341,254, against 1,838,169 for James Buchanan (Democrat). At the end of 1857, the Republican party, pledged to resist the extension of slavery into free territory, controlled eleven states, and contested others at the elections. At the opening of the first session of the Thirty-sixth Congress, December, 1859, the Democrats were in the majority, having thirty-eight out of sixty-six members in the Senate, and ninety-three administration Democrats, and thirty-one others, against one hundred and thirteen Republicans.

Abraham Lincoln was nominated for the presidency at the second national Republican convention, in 1860. The platform included protests against all "schemes for disunion;" interference with state rights in domestic affairs; the "sectional" policy of the Democrats; changes in the naturalization laws; extravagant public expenditures; slavery; and the sale to others of public lands held by actual settlers. The revision of duties on imports was advocated. Lincoln received one hundred and eighty electoral votes. The popular vote cast in his favor was 1,866,352, against 1,845,633 for John Cabell Breckinridge (Democrat).

During the Civil War, the Republicans in all the states formed the distinctive war party. In the President's inaugural message, he announced the policy of the administration to be one of conciliation, conservation, and restoration, this attitude taking the place of the concession policy of his immediate predecessor.

During the Lincoln administration, in 1861, the President called for 657,743 volunteers. He asked Congress for $400,000,000 for war expenses in putting down the rebellion. A loan of $250,000,000 was sanctioned. A specific duty tariff bill was passed in 1861. In 1862, the issue of $150,000,000 in legal tender notes was authorized. They became known as "greenbacks." During the same year colored troops were enlisted, and slavery in the territories was prohibited. Other measures passed were those providing for internal revenue; forbidding

polygamy among the Mormons; chartering the Union Pacific Railroad; organizing the Department of Agriculture; and emancipating slaves of those secessionists who remained disloyal. Military provisions included a draft of 300,000 nine-months' men, and a call for 600,000 volunteers.

The record of the administration in 1863 was a notable one. In financial affairs, a Bureau of Currency and national banks were established, and a loan of $900,000,000 was arranged for, —$300,000,000 for the current year, the balance for 1864. The slavery question and the war were dealt with in several ways. On New Year's day, the President issued a proclamation declaring all slaves in the country free. The Habeas Corpus Act was suspended in March. A draft of 300,000 men was ordered in June. Three hundred thousand volunteers were called for in October. In December, a proclamation of amnesty was issued.

The Fugitive Slave Law was repealed in 1864. The President's calls for drafted men and volunteers during that year aggregated 1,500,000 men. Congress authorized the issue of $600,000,000 in bonds. The postal money order system was established. There was a split in the party in May, 1864. The "Radicals" met at Cleveland, Ohio, denounced the administration, and nominated Generals Frémont and Cochrane for presidential office. The President, in July, refused to sign the bill passed by Congress for reconstruction of the Southern states. The party disapproved of his action. In the same month a new tariff bill went into force.

Mr. Lincoln was renominated in 1864. The platform upheld the policy of "unconditional surrender," approved the Emancipation Proclamation, advocated the encouragement of foreign immigration, and endorsed the Monroe Doctrine. Lincoln received two hundred and twelve electoral votes. The popular vote cast in his favor was 2,203,831, against 1,808,725 for George B. McClellan (Democrat). The last war loan of $600,000,000 was authorized in March, 1865. On April 9, the war ended. On April 14, President Lincoln was assassinated. The day following, Andrew Johnson, Vice-President, succeeded to the presidency. His policy regarding the reconstruction of the

seceded states, when fully developed, failed to satisfy the Republican party leaders. They refused their support, and finally a reconstruction measure was passed over his veto. The Thirteenth Amendment, abolishing slavery, went into force in December, 1865. The Fourteenth Amendment, securing civil rights to freedmen, became effective in July, 1868. The differences between Johnson and the Republican party led to efforts in the direction of curtailing his power. He was deprived of the right to issue an amnesty proclamation in January, 1867, but refused to submit; the command of the army was practically withdrawn from him, and the power of removal of civil officers, without the consent of the senate, was also taken away. Disagreements arising out of the removal by Johnson of Edwin M. Stanton, secretary of war, led to the President's impeachment. He was subsequently acquitted, after a trial extending over two months.

The treaty with Russia for the purchase of Alaska was concluded during Johnson's administration. General Ulysses S. Grant received the Republican nomination for the presidency in 1868. The platform denounced repudiation of public indebtedness; called for equalization and reduction of taxation; advocated the adoption of an adequate pension system; insisted on the proper protection of all citizens, native or naturalized, against arrest and imprisonment by foreign powers for acts done or words spoken in the United States; and urged the encouragement of immigration. General Grant received two hundred and fourteen electoral votes. The popular vote cast in his favor was 3,015,017, against 2,709,613 for Horatio Seymour, Democrat.

The policy of reconstruction was vigorously pursued during Grant's administration. The Fifteenth Amendment, conferring the right of suffrage on the negro, was effected in 1870. The Republican press and Congress rejected the President's plan to establish a harbor and naval station and a partial protectorate at San Domingo. Under Grant, efforts were made to inaugurate civil service reform, but without success. A Labor Reform party sprang from the Trades Unions movement. The "Grangers," or "Patrons of Husbandry," a farmers' organiza-

tion, also came into being. Several other parties arose during the Grant administration, including the temperance party, the national (greenback) party, the "straight-out" Democrats, and the "liberal" Republicans.

General Grant was renominated in 1872. The platform endorsed the Constitutional amendment; recommended reform of the civil service; the retention of national domain for free homes; tariff revision; generous pension laws; abolition of the franking privilege; adjustment of the relations between capital and labor; consideration of woman's rights; and the furtherance of American commerce and ship-building. General Grant received two hundred and eighty-six electoral votes. The popular vote cast in his favor was 3,597,070, against 2,834,679 for Horace Greeley, nominee of the Democratic and "liberal" Republican parties.

The second term of Grant brought him face to face with many difficulties connected with state governments. In the reconstructed states there were numerous local disturbances. Freedmen, in alliance with white politicians, at first held control in these states. Finally, the reconstructed Confederates, and those who were in sympathy with them, regained almost complete political control. Much anxiety was felt throughout the country regarding the financial situation. The President favored specie payment. Many of the people, and their representatives in Congress, preferred an increase of paper currency. Resumption of specie payment was provided for in 1875, to take effect January 1, 1879.

Rutherford B. Hayes was nominated for the presidency in 1876. The platform advocated the complete pacification of the South, protested against sectarian education at the public expense, called for an investigation as to Chinese immigration, and condemned polygamy. Hayes, whose election was disputed, finally, by decision of an electoral commission, received one hundred and eighty-five electoral votes, his Democratic opponent, Samuel J. Tilden, being credited with one hundred and eighty-four. The popular vote cast in favor of Hayes was 4,033,975, against 4,284,873 for Tilden. The Hayes administration was marked by the exercise on the President's

part of a policy of conciliation. The use of Federal troops at elections caused much partisan strife. Efforts were made by the Democrats to obstruct the enactment of the Federal law on this subject.

James Abram Garfield was nominated for the presidency in 1880. The platform was devoted largely to a review of the Republican record. A thorough, radical and complete reform of the civil service was called for. Garfield received two hundred and fourteen electoral votes. The popular vote cast for him was 4,454,416, against 4,444,952 for Winfield Scott Hancock (Democrat). Early in the Garfield administration a controversy arose between the President and Senator Roscoe Conkling, of New York, respecting appointments. It led to the resignation of Senators Conkling and Platt from the Senate. The President was shot on July 2, 1881, by an assassin. Chester Alan Arthur, Vice-President, succeeded to the office of Chief Executive. One of the chief events during his rule was the appointment of a Tariff Commission, in 1882, consisting of nine civilians. The Chinese Exclusion Act became effective in the same year. A comprehensive Civil Service Reform Bill was signed by the President in 1883.

James Gillespie Blaine was nominated for the presidency in 1884. The platform pledged the party to correct the irregularities of the tariff, and to reduce the surplus, at the same time it advocated protection for home industry. The party declared itself in favor of international bimetalism; the regulation of transportation; the establishment of a labor bureau; the prohibition of foreign contract labor; the protection of the sheep-raising industry; the amendment of the forfeited land grant; the withholding of land grants from aliens; and the increase of the navy. Blaine received one hundred and eighty-two electoral votes. The popular vote cast for him was 4,851,-981, against 4,874,986 for Grover Cleveland (Democrat).

Benjamin Harrison was nominated for the presidency in 1888. The platform declared against combinations and trusts; advocated home rule in the territories, with admission as soon as qualified; urged Federal aid for public schools; favored the reduction of letter postage to one cent; and the defense of fish-

ing rights in the northeast. Harrison received two hundred and thirty-three electoral votes. The popular vote cast for him was 5,440,708, against 5,536,242 for Cleveland. The currency question was a leading issue in the Harrison administration.

In 1890, a bill was passed authorizing the purchase each month of 4,500,000 ounces of silver bullion at market prices, treasury notes to that amount—legal tender in all cases—to be issued. The McKinley Tariff Bill was signed by the President, October 6. Six states, Idaho, Montana, North Dakota, South Dakota, Washington, and Wyoming, were admitted to the Union during the Harrison administration. The annexation of Hawaii was arranged, but the necessary treaty was still in the hands of a senate committee when the presidential term ended.

Benjamin Harrison was renominated in 1892. The platform, on the currency question, demanded the use of both gold and silver as standard money, in such a way as to secure the parity of values of the two metals, so that the purchasing and debt-paying power of the dollar, whether silver, gold or paper, would be at all times equal. An international conference on bimetalism was advocated. The acquisition of the Nicaragua Canal was urged. The cession of arid lands to the states and territories to which they belonged, the extension of hearty support to the Columbian Exposition, and the establishment of a free-delivery postal system were among the chief measures found in the platform. Harrison received one hundred and forty-five electoral votes. The popular vote cast for him was 5,175,201, against 5,554,267 for Cleveland. In 1894, the Congressional electives gave the Republican party an overwhelming majority in the House.

William McKinley was nominated for the presidency in 1896. The platform endorsed the policy of a protective tariff; advocated reciprocity; the encouragement of sugar-growing in the United States; the protection of wool and woolen industries; the development of the merchant marine service by restoring the American policy of discriminating duties; sound money; liberal pensions; a vigorous foreign policy; the upholding of the Monroe Doctrine; friendly intervention in Cuba;

enlargement of the navy; prohibition of illiterate immigration; the maintenance of the civil service laws; national arbitration; free homesteads; admission of the territories; and extended rights for women. It also condemned lynching. McKinley received two hundred and seventy-one electoral votes, William Jennings Bryan (Democrat) receiving one hundred and seventy-six. The popular vote cast for him was 7,204,779, against 6,502,925 for Bryan. The Dingley Tariff Bill became a law July 24, 1897. Important legislation under the McKinley administration included a grant of $50,000 for relief of destitute citizens of the United States in Cuba; a grant of $50,000,000 to meet war expenses in the event of war with Spain; declaration of war against Spain; provision for the Twelfth Census; provision for free homesteads; and for the reorganization of the army

McKinley was renominated in 1900, against William Jennings Bryan, renominated by the Democratic party. The platform reiterated sentiments previously expressed regarding the gold standard; free silver coinage; the trusts; a protective tariff; reciprocity; immigration; aid to American shipping; liberal pensions; civil service reform; statehood for the territories; and Cuban independence. It was insisted that the Fifteenth Amendment be lived up to in the South at elections. Declarations were made in favor of improved roads and highways; rural free delivery of postal matter; the reduction of the Spanish war taxes; new markets for surplus farm products; a liberal policy in the Philippines; a Department of Commerce; and the protection of American citizens abroad. McKinley received two hundred and ninety-two electoral votes. The popular vote cast for him was 7,215,696, against 6,351,608 for Bryan. President McKinley was shot by an assassin, September 6, 1901, and died September 14. Theodore Roosevelt, Vice-President, succeeded to the office of Chief Executive. Under his administration, measures passed in Congress, 1902, included the establishing of a permanent Census Bureau; the repeal of Spanish war taxes; a Chinese Exclusion Act; the purchase of the Panama Canal; and rural free delivery of mail matter.

## Minor Parties

In the foregoing text, endeavor has been made to give an outline of the history of the greater parties. The first of these, the Federal party, was, as we have seen, formed from the "Strong Government," or "Constitutional" party. It elected two presidents, i.e., Washington, who served two terms, and John Adams, who served one term. To summarize its policy: the Federal party advocated a tariff, internal revenue, the funding of the public debt, a United States bank, a militia, and the assumption of state debts by the government. This party favored England as against France; it opposed a war with England, and believed a protective tariff should be instituted. Its principal supporters were Washington, John Adams, Alexander Hamilton, James Madison, and John Jay. The Federal party existed from 1787 to 1816.

The Democratic-Republican party was formed from the anti-Federal party, the Republican or Jeffersonian party, and from such as called themselves Democrats and sympathized with the French Revolutionists. This party elected three presidents, each of whom, Jefferson, Madison, and Monroe, served two terms. It stood for state rights, enlarged personal freedom, France as against England, free trade (in 1800), war with England, internal improvements, the purchase of Louisiana, the purchase of Florida, the Missouri Compromise, the Monroe Doctrine, and, in 1828, a protective tariff. The party was founded and led by Thomas Jefferson. It was in existence from 1793 to 1828.

The Democratic-Republican party, in the presidential campaign of 1824, split into four parts. This was its last appearance in a presidential contest. The Democratic (and Whig) party sprang from this division. Six Democratic presidents have been elected, including Jackson, serving two terms; Van Buren, Polk, Pierce, and Buchanan, one term each, and Cleveland, two terms. The party, in its platforms from time to time,

favored internal improvements; state banks; the sub-treasury plan; state rights; free trade; tariff for revenue only; the annexation of Texas; the Mexican War; the Compromise of 1850; the Monroe Doctrine; the Dred Scott decision; the Fugitive Slave Law; and economical public expenditures. They opposed the agitation of the slavery question in any form or place; the coercion of the seceded states; the amelioration of the condition of the freed negroes; the Freedmen's Bureau; Chinese immigration; and autocratic government. The existence of the Democratic party dates from 1828.

The Republican party was formed from other parties (principally from the Whig party) on slavery issues. Six Republicans have occupied the presidential chair by election to that office, i.e., Lincoln, two terms; Grant, two terms; Hayes, Garfield, and Harrison, one term each; and McKinley, one full term and part of a second. The Republican party has, in its platforms and policy, favored the suppression of slavery; the suppression of the rebellion by all constitutional means; the emancipation of slaves; the prohibition of slavery; the citizenship of freedmen; the Monroe Doctrine; full payment of the national debt; a protective tariff; a free ballot; generous pension legislation; adequate navy and coast defence; an increased army; and a liberal colonial policy. The existence of the Republican party dates from 1854.

The history of the minor parties is given chronologically in the order of their origin.

### Clintonians

The Clintonian party consisted of Republicans in Northern and Southern states who objected to the monopolizing of the national administration by Virginians, protesting against the caucus system, as it did not give the people an opportunity to select candidates. They were also dissatisfied with the foreign policy of Madison. They disapproved of long terms of office, also of an official regency. This party nominated De Witt Clinton of New York for President. He received eighty-nine electoral votes, Madison receiving one hundred and twenty-eight, in the presidential election of 1812.

### Peace Party

This was composed of Democratic-Republicans and Federalists, living mostly in New England. They opposed the War of 1812. At a convention held at Hartford, December, 1814, known as the Hartford Convention, resolutions were passed against the war. Before the convention adjourned, however, a treaty of peace was signed. The party went out of existence shortly afterwards.

### Doughfaces

This name was first used and applied in 1820 by John Randolph, of Virginia, to members of Congress from the Northern states who supported the Missouri Compromise. Randolph was a bitter opponent of the measure.

### People's Party

At the elections in the autumn of 1823, in the state of New York, the Republicans were divided upon the choice of presidential electors. Some wished them to be chosen by the state legislatures; others, by the people. The latter portion developed into a political organization called the People's Party.

### Coalition Party

Certain members of the House of Representatives, in 1825, were supporters of Henry Clay for the presidency, but subsequently threw their votes to John Quincy Adams, with Clay's consent, in the "scrub race" for the presidency between Jackson, Adams, Clay, and Crawford, all Democratic-Republicans. These members were called the Coalition Party. It was largely a distinctive title rather than a party name.

### Anti-Masonic Party

The creation of this party was caused by the disappearance, on September 29, 1826, of William Morgan, a Royal Arch Mason, of Genesee County, New York. Morgan had threat-

ened to publish the secrets of Masonry. His arrest and confinement in jail for a debt of two dollars was followed by his removal to Fort Niagara, where he remained a short time. He then disappeared and was never seen afterwards. The event caused great excitement, the Masons being accused of putting him to death clandestinely. In the following year, Morgan's fate became a political issue. Anti-Masons became numerous in the principal western cities and towns. They insisted on the exclusion from office of the supporters of Masonry. The party remained in existence until 1834.

### National Republican Party

This was formed, in 1828, from the "broad-construction" wing of the Democratic-Republican party. They favored internal improvements; protection; the United States Bank; and the division of proceeds of land sales among the states. They were opposed to the "spoils system." In 1834, six years after its formation, this party joined the Whigs. At the presidential election of 1828, the support of the party was given to John Quincy Adams, who received eighty-three electoral votes, Jackson (Democrat) receiving one hundred and seventy-eight; and in 1832 it supported Henry Clay, who received forty-nine electoral votes, Jackson receiving two hundred and nineteen. Two years after the defeat of Clay the party became extinct.

### Nullification, or Calhoun Party

After the disruption of the Jackson cabinet, in 1831, Calhoun endeavored to form a party of his own, with a view to obtaining a presidential nomination. He became active in South Carolina and Georgia, encouraging slave owners to stand against the administration. He also advocated resistance to the tariff laws. The Nullification Party disappeared in 1833.

### Abolitionists

This party was organized in 1833, and advocated the immediate emancipation of the slaves, the elevation of the colored

race, and recognition of equality in civil and religious principles, —all to be brought about through moral suasion. The term "Abolitionist" remained in use until after the Civil War.

### Whig Party

This party was formed from a union of the National Republican and disrupted Democratic-Republicans. Presidents Harrison and Tyler, Taylor and Fillmore, belonged to the Whig party. The party favored the non-extension of slavery; slavery agitation; a United States Bank; a protective tariff; vigorous internal improvements; and the Compromise of 1850. The Whigs opposed the Seminole War; the annexation of Texas; the Mexican War; state rights; and the Democratic policy towards slavery. Webster and Clay were the principal Whig party leaders. President Harrison, elected in 1840, died April 4, 1841. He received two hundred and thirty-four electoral votes in 1840, Martin Van Buren (Democrat) receiving sixty. Tyler, Vice-President, succeeded to the office. During the Whig administration (1840–'45), a bill was passed for the repeal of the sub-treasury. A measure to establish a national bank was passed by Congress and veteod by Tyler, who also vetoed a second bank bill, drawn up to meet his supposed views. This brought a resignation of all cabinet members except one, Daniel Webster. The Whigs subsequently separated their connection with Tyler altogether. The last bill signed by President Tyler provided for the annexation of Texas.

Zachary Taylor, the next Whig president, was elected in 1848, receiving one hundred and sixty-three electoral votes, Cass (Democrat) receiving one hundred and twenty-seven. He died July 9, 1850. Millard Fillmore, Vice-President, succeeded him. He formed a new cabinet and adopted a policy of conciliation and political harmony. At his instance the famous Compromise Bills of 1850 were passed, providing for the organizing of Utah and New Mexico into territories without reference to slavery; the admission of California as a free state; the payment to Texas of $10,000,000 for her claim to New Mexico; the return of slaves escaping from their mas-

ters; and the abolition of the slave trade in the District of Columbia. Before the presidential campaign of 1852 opened, the Whigs found that the North, of necessity, aided the slavery issue. The Compromise Bills had removed many of their grievances. Their own platform conceded that the main causes of their contentions had been removed by legislation. Thereafter their existence was without justification. They split into factions, and, finally, in 1854, the Whig leaders, and the rank and file of the party, became absorbed in other organizations.

### Loco-Foco Party

This name was first given by the Whig press to the anti-Monopolists, or "Equal Rights" branch, of the Democratic party in New York, in 1835. Members of this faction used lucifer matches, known as "loco-foco" matches, to relight the lights extinguished at an evening assemblage at Tammany Hall of an opposing faction, when the leaders of that faction desired to break up the meeting. For a time Democrats generally were referred to as "Loco-Focos."

### Anti-Renters

This party originated in the dissatisfaction of the tenantry on the Van Rensselaer estate in New York State. Disputes as to the possessor's right of title and claim of rents, started in 1795, were revived in 1839 on the death of Stephen Van Rensselaer, when an attempt was made to collect arrears of rental from the tenantry. The "anti-Renters" became an organized political body in the state. The movement was upheld by the Seward wing of the Whig party and the "Barn-burners," a section of the Democratic party in New York state. The movement resulted in a revision of the state Constitution of 1846, Sections 12–15 of Act I being added, abolishing all feudal tenures and converting the leases of tenants into freeholds.

### Liberty Party

The Abolitionists had a single plank platform in 1839, declaring the necessity for a new party. They founded the Liberty

party in 1840, at a national convention at Albany, New York. Many Whigs and Democrats joined. The party stood for the immediate abolition of slavery and claimed equal rights. They protested against the Fugitive Slave clause of the Constitution. James J. Birney was nominated for the presidency. He received 7,059 votes at the election. Birney was renominated in 1843, and received 62,300 votes at the presidential election of 1844. The Liberty party, or abolition vote, in New York in that year being chiefly a defection from Henry Clay, caused Clay's defeat for the presidency. In 1847, John P. Hale was nominated for the office of Chief Executive, but the party subsequently withdrew his name, the members going over to the Free-Soil party, organized in 1848.

### Native American Party

This party seems to have been the forerunner of the American, or Know-Nothing party, of 1852. It was organized in 1843, as a result of a great inflow of foreigners into New York City. The leading ideas of the organization were opposition to Roman Catholicism and the election of aliens to office. The members of the party were usually spoken of as "Natives."

### Hunkers

This name was given in 1844 to a faction of the Democratic party in New York, led by William L. Marcy, and representing the pro-slavery wing of the party. The "Hunkers" (from the Dutch word *honk*, meaning "home"), rivals of the "Barn-burners," attended the national Democratic convention of 1848. Each wing sent a delegation. The name "Old Hunkers" was given by the radicals to the conservatives.

### Barn-burners

That faction of the Democratic party in New York (1844–'48), led by Silas Wright, and representing the anti-slavery or radical wing of the party. The origin of the name is in some doubt, although there is good authority for the assertion that it sprang from the conduct of undisciplined followers of Thomas

W. Dorr, of Rhode Island, who organized a rebellion in that state in 1841, against the provisions of an old English charter, whereby property qualifications were necessary in order to vote. Dorr's followers were strongly condemned by the conservative people of Rhode Island, and described, because of their lawlessness, as "robbers, rioters, incendiaries, barn-burners." Later, the "Hunkers" of New York, in retaliation for the contemptuous name given them by their opponents, the radicals, declared them at every opportunity to be "barn-burners," or reckless law-breakers. In June, 1848, the "Barn-burners" held a Democratic convention at Utica, New York, and nominated Martin Van Buren for the presidency. In August of the same year most of the "Barn-burners" joined the new Free-Soil party, which placed Van Buren in nomination.

### Liberty-League

This name was given to members of the Liberty party of 1840 who disagreed with the main body of their party. After a convention of the Liberty party, in 1845, a number of its adherents separated. In 1847 they met in convention and nominated Gerrit Smith for the presidency. They proclaimed slavery to be unconstitutional, and had for their watchword "Duty is ours, results are God's." The records do not show a vote in behalf of Smith at the presidential election of 1848.

### Free-Soil Party

This organization was formed in 1848, from the Liberty or Abolition party, anti-slavery Democrats and anti-slavery Whigs. The anti-slavery movement brought it into existence. Eventually it was merged in the Republican party. By many this latter party is considered as the outcome of the Free-Soil party's activity. Van Buren, nominated as Free-Soil candidate in 1848, received 291,263 votes. In 1852 John P. Hale received the nomination. He received 156,149 votes. In 1854 the anti-slavery Whigs and anti-slavery Democrats formed a coalition without a common name. The Free-Soil party as such thus came to an end.

### Silver Grays

The Whigs of New York who supported the Fillmore administration, in 1850, deeming the slavery question settled by the compromise measures passed by Congress in that year, were called "Silver Grays," because most of them were men of somewhat advanced age whose hair was white. At the Whig state convention at Syracuse, in September, 1850, a split took place, friends of the President protesting against a resolution praising Senator Seward. They called a meeting during October at Utica, threw off Whig allegiance and formed the "Silver-Gray" party, unequivocally upholding President Fillmore's policy. With the disappearance of the Whig factions in 1854, the "Silver Grays" became extinct.

### Know-Nothing or American Party

This party was suddenly formed, in 1852, from members of other parties who were not in sympathy with indiscriminate foreign immigration. They advocated more stringent naturalization laws, aimed to exclude from office those of foreign birth, and protested against the efforts then being made to exclude the Bible from the public schools. The name originated from the fact that the leaders and members of the party when asked for some details of their work or purposes, usually declared that they knew nothing of any proposed plans.

The platform of the party contained the following sentiments: The Americans shall rule America. The states shall be united. No North, No South, No East, No West. No sectarian interference in legislation or in the administration of American law. Hostility to the assumptions of the Pope, though the hierarchy and priesthood, in a republic Thorough reform in the naturalization laws. Free and liberal educational institutions for all sects and classes, with the Bible as a textbook.

The Know-Nothings nominated Millard Fillmore for president, in 1856. He received eight electoral votes, Buchanan

(Democrat) receiving 1,741, and Frémont one hundred and fourteen. The popular vote cast for him was 874,538. In 1860, the party became merged in the Constitutional Union party.

### Douglas Democrats

The Democrats of Northern states who agreed with the views of Stephen A. Douglas, when the party divided in 1860 on the slavery issue, were denominated "Douglas Men." They refused to endorse the demands of the South, at the national convention in that year, that an explicit assertion be made in the platform of the rights of citizens to establish slavery in the territories; and to be protected in that right by Federal authority.

### Breckinridge Democrats

The Democrats of Southern states, who demanded what the Douglas Democrats refused to grant, were distinctively termed Breckinridge Democrats after their leader, John C. Breckinridge, of Kentucky, Democratic nominee of the convention of 1860 for the presidency.

### Constitutional Union Party

This party consisted of Democrats who had for their platform "the Union, the Constitution, and the Enforcement of Law." It succeeded the American or Know-Nothing party, but failed to develop much strength. The organization met at Baltimore, in May, 1860, and nominated John Bell, of Tennessee, and Edward Everett, of Massachusetts, for the presidential offices. Bell received thirty-nine electoral votes. The popular vote cast for him was 589,581. It is a matter of record that this Union party had more influence in the South than in the North. In 1876, James B. Walker, "American" nominee, received 2,636 votes. In 1880, John W. Phelps received seven hundred and seven votes. In 1884, no candidate appeared. In 1888, James W. Curtis received 1,501 votes.

### Ku-Klux Klan

In 1868, a secret society so named, opposed to negro suffrage, was organized in the South. This society issued lists of proscribed persons who were warned to leave the country or be liable to assassination. The members of the Klan wore masks, and usually secured and punished their victims at night. Its depredations became so oppressive that in some states members of the order were made liable to jail and imprisonment. In April, 1868, President Grant took steps toward their repression. In 1871, the President issued a proclamation against them. Federal troops were posted to restore order in South Carolina; six hundred arrests were made, and many trials for assault and murder ensued. Vigorous prosecution until 1876 effectually stamped out the evil.

### Liberal Republicans

This party was formed in 1870–'71 by Republicans who were dissatisfied with the policy of Grant's administration and the conduct of the party leaders. In 1872, at a national convention, they nominated Horace Greeley for President. He died before the electoral vote was counted. The popular vote cast for Greeley was 2,834,079.

### Straight-Out Democrats

Those who became politically active under this name or title were known also as "Tap-Root," or "Radical," Democrats. They objected to the nomination of Greeley by the regulars in 1872, and nominated Charles O'Conor. O'Conor received 29,408 votes.

### Labor Reform Party

This was a combination of working men, in 1872, who believed in trades unions. The party had local organizations in every section, and for a time wielded considerable influence, nominating their own candidates at several state elections.

During its existence, this party succeeded in introducing or setting on foot several beneficial movements. The working day in government establishments was, mainly through party agitators, reduced from ten to eight hours. The Labor Reform party held opinions adverse to large accumulations of wealth, and favored equality. At a convention, held in August, 1872, they nominated Charles O'Conor for the presidency. Two weeks later O'Conor received the nomination of the "Straight-Out" Democrats.

### Grangers

This party was known also as "Patrons of Husbandry," and came into being as an organization during Grant's first administration. At first the order was non-political, but subsequently it became the object of much scheming and plotting on the part of unscrupulous politicians. Primarily, the idea of the Grangers was to promote the higher development of farm life and labor, to encourage coöperation among agriculturists, to regulate railway freights, to discourage the credit system, and the plan of borrowing on mortgages.

### Temperance Party

Local temperance organizations combined, in 1872, forming a national temperance prohibition party, which, four years later, formally adopted the name "Prohibition" as best indicating their platform and principles. A Prohibition convention was held in 1872. James Black was nominated for the presidency. He received 5,608 votes.

### Greenback Party

This party had its origin in the period of financial depression following the panic of 1863. It called for the increase of greenback paper money to save the money market and sustain values. Many advocates of this policy believed that such money ought not to be redeemed. It should, they argued, take

the place of coin, becoming coined paper endorsed by the government for payment of all debts, public and private. The "Grangers," with few exceptions, approved of the Greenback party's policy, and joined the movement. At a national convention, in 1876, the Greenback party nominated Peter Cooper for President. The popular vote cast in his favor was 81,740. The National Greenback party was organized in 1878. It advocated the unlimited coinage of gold and silver, the substitution of greenbacks—national bills of credit made legal tender —for national bank notes, woman suffrage, and the bettering of the condition of the working people. James B. Weaver was nominated for President at the Greenback national convention, in 1880. The popular vote cast for him was 308,578. In 1884, the party nominated General Benjamin F. Butler. The popular vote cast in his favor was 133,825. This was the last appearance of the Greenback party, as such, in a presidential contest. In 1887, the Union Labor party took its place.

### Prohibition Party

The Prohibition Party, first organized under the auspices of the Temperance party in 1872, nominated Green Clay Smith for the presidency in 1876. The platform favored legal prohibition of traffic in intoxicating liquors, woman suffrage, a direct presidential vote, and currency convertible into coin. The popular vote cast for Smith was 9,522. The principal plank in the Prohibition platform since that time has been in favor of absolute legal prohibition in intoxicants. Neal Dow, nominated for the presidency (1880), received 10,305 votes; John P. St. John (1884), 150,626; Clinton B. Fisk (1888), 246,876; John Bidwell (1892), 264,133; Joshua Levering (1896), 132,007; John G. Woolley (1900) 208,194. The Prohibition platform (1900) made prohibition the greatest issue, condemned President McKinley for drinking and serving wine at the White House, rebuked the party policy of the administration in permitting liquor traffic in the Philippines, and appealed to all Christian voters for moral support in the campaign.

### Stalwarts

This was a branch of the Republican party (1876), followers of Roscoe Conkling, Don Cameron, and John A. Logan, who were opposed to the conciliatory course of President Hayes toward the South. The Stalwarts favored the nomination of Grant for a third term. Conkling and a number of his friends opposed the plans of the Hayes administration toward reform of the civil service.

### Half-Breeds

This name was used in a contemptuous way by the Stalwarts (1876), to designate Republicans who upheld the Hayes administration, generally opposed the nomination of Grant for a third term, and favored civil service reform.

### Independent Republicans

These were members of the Republican party in New York who were opposed to the dictation of Senator Conkling in controlling state affairs. The Conkling nominee for governor, Alonzo B. Cornell, was not acknowledged by the Independents. They refused to support him, and, notwthstanding the aid given to Cornell, came close to defeating that candidate. The regular Republicans called the Independents "Scratchers."

### Readjusters

These formed a division of the Democratic party in Virginia (1877), who advocated the funding of the state debt. General Mahone was the leader of this movement.

### National Liberal Party

In 1879, a convention was held in Cincinnati, and a platform was adopted advocating separation of church and state, equal rights, and universal education. There is no record of any effective activity subsequently displayed by the leaders or members of this party.

### Union Labor Party

The successors of the National Greenback party named their organization the Union Labor Party. It came into being in 1887. Abner J. Streeter was nominated in 1888 for the presidency. The platform proclaimed, among other things, opposition to land monopoly in every form; forfeiture of unearned land grants; limitation of land ownership; homestead exemption to a limited extent, from execution or taxation; owning by the people of the means of communication and transportation; the circulating medium to be issued directly to the people and loaned upon land security at a low rate of interest; postal savings banks; free coinage of silver; application of all money in the United States Treasury to the payment of the bonded debt; no further issue of interest-bearing bonds, either by the national government, or by states, territories, or municipalities; arbitration to take the place of strikes and other injurious methods of settling labor disputes; service pension to every honorably discharged soldier and sailor of the United States; graduated income tax; United States senators elective by direct vote of the people; absolute exclusion of Chinese; the right to vote inherent in citizenship, irrespective of sex, and properly within the province of state legislation. The popular vote cast for Streeter was 146,836.

### People's Party

This was known also as the Populist party, and it originated in 1891 at a meeting, in Cincinnati, of farmers, workmen, and miscellaneous bodies of men who sought political reform in various directions. Their proposition was to crystallize the political reform forces of the country. The name chosen by them for organization was the People's Party. They strongly endorsed the St. Louis platform of 1889, the Ocala platform of 1890, and that of Omaha, in 1891. They favored the abolition of national banks; the issue of legal-tender treasury notes; the supply of these notes when called for by the people to be a popular loan at not more than two per cent. per annum upon

non-partisan products; and also upon real estate with "proper limitation upon the quantity of land and amount of money." They demanded, among other things, free and unlimited coinage of silver; the prohibition of alien ownership in lands; a graduated income tax; national control of all means of public communication and transportation; and the election of President, Vice-President, and the United States senators, by the people. The party nominated James B. Weaver for the presidency, in 1892. He received twenty-three electoral votes, Cleveland (Democrat) receiving two hundred and seventy-six and Harrison (Republican) one hundred and forty-five. The popular vote cast for him was 1,055,424. In 1896, the party agreed upon William Jennings Bryan, nominee of the regular Democrat and the Free-Silver factions, as their nominee. In 1900, the "Middle-of-the-Road" Populists nominated Wharton Barker. The vote cast for him was 50,373. The "Silver Republicans" and the "National Farmers' Alliance" had sympathies in common with the People's Party.

### Socialist Labor Party

The first national convention of this party was held in New York in 1892. In their platform they declared that private property in the national sources of production and in the instruments of labor, is the obvious cause of all economic servitude and political dependence. They favored the referendum in legislation; abolition of the veto power; the free administration of justice; the abolition of capital punishment; equal and universal suffrage; a direct and secret ballot; and the removal of public officers by their constituents. Smith Wing was nominated for the presidency. The popular vote cast for him was 21,164. In 1896, Charles H. Matchett received the nomination. The popular vote cast for him was 36,274. In 1900, Maloney was offered for election. The popular vote cast for him was 39,739.

### United Christian Party

This party held a convention and issued a platform in 1900 against desecration of the Sabbath and immoral laws, and favor-

ing equality, prohibition, the Bible in schools, government ownership, and a direct vote. They nominated J. F. R. Leonard for President. He received 1,500 votes.

### National Democrats

These were called Gold Democrats, as opposed to the Regular and Silver Democrats. They met in convention, in 1896, and nominated General John M. Palmer for the presidency. He received 133,148 votes. No ticket was nominated in 1900.

# GENERAL INDEX

THIS Index has been constructed with special regard to its practical usefulness, rather than for elaborate exhibition of entries. The aim is to take the point of view of the reader searching for a subject, an illustration, a quotable passage, or the like, and enable him directly to find it. To this end concreteness and plainness of expression have been constantly sought.

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